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January 10, 2013

New York Civil Liberties Union
Lower Hudson Valley Chapter
297 Knollwood Road
Suit 217
White Plains, NY 10607

Dear Mr. Daniel Berger,

This is in response to your Public Records Request on the automatic license plate reader. Your request was received by our office on August 6th 2012 and I sent you an Email on August 7th 2012 acknowledging receipt. I apologize for the delay in getting you the records you have requested but as I stated in the email, it would take some time to research and gather the documents available to us. Although records do not exist for most of the records you requested, others do and have been provided for you attached to this letter. There is no additional fee for these records. Thank you for your anticipated cooperation.

Sergeant Gerald E. Marlatt

TOWN OF SHAWANGUNK POLICE DEPARTMENT

GENERAL OPERATIONS MANUAL

Operation and Use of the Remington Elsas Mobile Plate Hunter 900 License Plate Reader

Sec. 500.72

Date Issued: 10/05/09

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PURPOSE: To establish procedures for the Shawangunk Police Department, in the deployment and operation of the Remington Elsas Mobile Plate Hunter 900 license plate reader (LPR).

INTRODUCTION: The Shawangunk Police Department was awarded a grant from New York State DCJS Operation Impact Tools Initiative to purchase the Remington Elsas License Plate Reader. The proper deployment and operation of the unit will equip the Officers of the Shawangunk Police Department with an added tool to help detect violators of law.

PROCEDURE:

DEPLOYMENT: In accordance to the agreement with New York State DCJS, the Shawangunk Police Department will make every attempt to deploy the LPR equipped unit on every tour and it shall be permanently affixed in one of Shawangunk Police Department's marked units.

OPERATION: The following are procedures for the proper operation of the Remington Elsas LPR.

1. During the course of their regular patrol, all members assigned to the LPR equipped unit will operate and monitor the license plate reader during their tour of duty in accordance with the manufacturer's recommendations and department training in the use of the equipment.
2. Members assigned to the unit will make every attempt verify thru NYSPIN or Mobile Cop, any plate triggering an alarm. Once the plate is verified, the member will make every attempt to stop the vehicle bearing the plate that triggered the alarm. The member will advise Ulster County Sheriff's Communications or Shawangunk base of the vehicle stop either by radio or through Mobile Cop status. The hit by the LPR alone without verification is not probable cause to make a traffic stop.
3. Once the member is secure, he/she will start a blotter in AEGIS or have dispatch start a blotter using "V&T complaint" for the call type. Any and all violations resulting from this stop are to be recorded using this AEGIS blotter number ie; AUO, Suspended Registration, CPCS, UPM, ect.
4. Once an LPR alarm has been confirmed, the member will take the appropriate course of action, pursuant to the nature of the encounter, and complete the necessary paperwork – arrest, summons issuance and impounds.
5. Officers using the LPR equipment must be responsible for using professional discretion when faced with an alarm activation of the unit indicating a vehicle and traffic violation and being dispatched to a priority call. Calls for service deemed to be a priority or emergency in nature will always take precedent. Arrangements may be made through a supervisor to redirect additional officers to the priority call should the need arise.

Training: Officers are **prohibited** from using the LPR system until they have been properly trained in its use, and have been instructed as to operational protocols.

LPR Maintenance- The LPR camera lenses shall be cleaned with a glass cleaner sprayed on a soft cloth at the beginning and end of each use.

- Any damage shall be reported immediately to the on duty supervisor. There are no serviceable parts that can be done by officers and any attempts to service the unit are prohibited. Any attempts to service the system may void the manufactures warranty. Technical questions concerning the LPR shall be directed to on duty supervisor as well.
- The patrol vehicle assigned to the LPR unit may be washed by hand. If the patrol vehicle is taken through the automatic car wash, The Officer will remove the LPR units from the trunk lid prior to going through the car wash and re-attach them afterward.
- Officers shall **NOT** directly contact the vendor(s). All vendor contact will occur through the assigned supervisor.

REPORTING: The member assigned to statistical data collection will submit a quarterly report to New York State DCJS.

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copy



Operation of License Plate Readers
For
Law Enforcement Agencies
In
New York State

Suggested Guidelines

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INTRODUCTION

In 2005, 172,996 tickets were issued in New York for unlicensed operation, revoked registration or insurance related crimes. Approximately 10% of unlicensed or revoked driver's were brought to justice and either fined or incarcerated for these crimes. Some of these individuals believe driving without a valid license or insurance is a victimless crime. If they simply follow the rules of the road, they will not be held accountable for their crimes and can continue with life as usual. These drivers only encounter law enforcement when observed violating a traffic law or are involved in a traffic accident. The lives of unsuspecting, law abiding drivers and their passengers are continually at risk when these criminals get behind the wheel.

In order to combat these crimes with the latest technology in New York State, a multi-agency strategy has been developed for the deployment and use of license plate readers. The New York State Division of Criminal Justice Services (DCJS), Division of State Police (NYSP) and Department of Motor Vehicles (DMV) embarked on an ambitious plan to acquire and distribute more than 200 license plate readers to various law enforcement agencies across the State by the end of 2006.

A license plate reader can recognize over 1,000 license plates an hour on vehicles as they pass either a portable or stationary unit at vehicle speeds up to 70 miles per hour. The information downloaded into the plate reader from the New York State Police Information Network (NYSPIN) allows a law enforcement officer performing a special detail or routine patrol to detect a motor vehicle driven by an unlicensed and/or revoked operator or any other motor vehicle insurance violation. This occurs even if the driver of the vehicle has not committed a traffic offense or been involved in a traffic accident. Based on a NYSPIN hit, a police officer can intervene before this driver is involved in a traffic accident or commits another violation that could result in serious injury of an innocent victim.

Not only will license plate readers be utilized for traffic enforcement, they will also be an essential tool when an AMBER Alert is issued. Plate information related to the AMBER Alert is sent statewide and entered into the license plate readers. Instantaneously, the officer will be alerted if the plate has been detected by the license plate reader which provides date, time and location. If not detected, the license plate reader provides that extra set of eyes when observing traffic during the AMBER Alert.

Initially, the 17 counties identified as Operation IMPACT jurisdictions (Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Schenectady, Suffolk, Ulster, and Westchester) and the New York State Police received license plate readers. The second phase of this project involves the deployment of license plate readers to Sheriff Departments in non-IMPACT counties and the New York City Police Department (NYPD). Additional license plate readers are being provided to county probation departments that will use this technology to effectively monitor their probation population. The third phase involves deploying license plate readers in jurisdictions that would most effectively use this technology including the DMV.

DCJS will monitor the usage of the plate readers by working with the agencies that receive the plate readers. DCJS envisions a monthly or quarterly reporting protocol developed by DCJS staff that the law enforcement agency completes and submits to DCJS. The success of this project will be measured by the increased detection of unlicensed and/or revoked registrations or licenses and other motor vehicle related crimes that impact the safety of New York's citizens on the State roadways.

The suggested guidelines presented in this document for the use of license plate readers were developed from input of representatives of law enforcement agencies from across New York State who have been utilizing this technology. They are:

PO Pat Fox	Albany City Police Department
ADA William Zelenka	Bronx County District Attorney
Ins. Michael Gaspar	Buffalo City Police Department
Cpt. Michael Arcar	Buffalo City Police Department
Cpt. Terry Hurson	New York City Police Department
Lyle Hartog	NYS Division of Criminal Justice Services
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
Lisa Coppolo	NYS Division of Criminal Justice Services
Dir. Charles Bardong	NYS Insurance Frauds Bureau
Nick DiMuro	NYS Insurance Frauds Bureau
Sup. Inv. Larry Wyman	NYS Department of Motor Vehicles
Lt. Leonard Casper	NYS Division of State Police
Sgt. Randy Morehouse	NYS Division of State Police
Trp. Eric Amengual	NYS Division of State Police
Sr. Inv. Peter Kontos	NYS Division of State Police
Sr. Inv. Mark Yanitelli	NYS Division of State Police
Cpt. Bob Johansson	Rochester City Police Department
Cpt. Reid Tait	Rochester City Police Department
PO Lonnie Dotson	Syracuse City Police Department
PO Ray Klotz	Suffolk County Police Department
Capt. John Riegert	Troy City Police Department
ADA Steve Vandervelden	Westchester County District Attorney

Part I

LICENSE PLATE READER TECHNOLOGY

Introduction to License Plate Reader Technology –

The concept of using cameras as a method to record a vehicle passing a specific location and then identifying the owner/operator has been in development since the 1970's. Early technology could capture a picture of the license plate and vehicle with the date and time. Upon retrieving the plate information after searching hours of captured images it 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 video tape and camcorders. The analog video tape 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 that utilized character recognition techniques. This technology while better than earlier methods still had many draw backs including high costs that limited its general use by state and local governments.²

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 also decreased the size of the camera hardware required and utilizes infra-red lighting to address lighting and weather conditions. This has also reduced the overall costs for an effective system thus making the technology obtainable at the local, county and state levels of government.

A. Definitions

License Plate Reading (LPR) Technology uses 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 list of plates of interest. LPR systems can identify a target plate within seconds of contact with it, 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 camera systems that can be mounted on poles or on the roadside.

A range of camera systems are available, most capable of reading license plates day and night and in a variety of weather conditions. The systems operate fast enough to capture all of the license plates they come in 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 the

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".

plate to be read at closing 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 every license plate they come in contact with and alerts them if there is a match to a “hot list.” Because of the speed of the reader systems, the volumes of plates being read and the fact that an alarm must occur within seconds to be useful, LPR systems use a large list of target plates stored locally in a “hot list” rather than relying on real-time communications with State or Federal data sources. The list is typically transferred daily and can be updated by the operator or by a central station if wireless communications are not available in the vehicle. The hot list can contain any set of plate data, from terrorist watch lists, to stolen vehicles, to parking scofflaws.

When a target plate is located, the officer in the vehicle is notified with a message that is specific to the plate, that is, every plate in the database can have a unique, detailed alert message. Lists can be updated automatically or manually, meaning that the officer can enter a plate into the system and be alerted when the plate is located. The system can also alert the driver if the new addition was recently seen. 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 a number of other policing requirements. The identification of stolen vehicles, stolen license plates, and wanted and missing persons have been the primary focus of most early implementations.

LPR systems also record every license plate they come in contact with. Some systems record the location, date and time of each license plate read. 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 at a given time range.

B. Hardware

Most LPR systems include a set of cameras, most 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. The cameras are mounted either permanently on the rooftop, magnetically in a transportable configuration, integrated into the light bar on a marked vehicle, or within a covert housing.

Some implementations of LPR use a dedicated computer for the high-intensity camera and image management; others use the in-car PC. In either case, the cameras connect to a computer and a display that can be the same mobile data terminal or in-car PC that the operator is using for computer aided dispatch or other functions. LPR systems typically 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/Laptop.

C. Software

LPR software typically has 3 components – the character translation component, the hot list management component and the user interface. Other additional software components manage GPS information, plate read, alarm history, and reporting features. The component of primary interest is the user interface, which must manage the activity and allow the user to quickly identify an alarm and the target vehicle. In most cases, most of the screen 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 on the information in the hot list and deal with visual and audible alarm queues.

Part II

SUGGESTED LICENSE PLATE READER PROTOCOLS FOR PATROL AND INVESTIGATIONS

A. Patrol

The following protocols are suggested for usage of the license plate reader and technology. The proactive entry of any data, except as stipulated in this directive, or the access to LPR records **MUST** be approved by a Supervisor, and the request **MUST** have a specific criminal investigative or patrol purpose. Deployment of LPR equipment is intended to provide access to stolen and wanted files, and for the furtherance of criminal investigations. Use is restricted to these purposes. No officer may use, or authorize the use of, the equipment or database records for any other reason. A request for LPR use or data access beyond the cited reason(s) herein must be made to (Agency Defined).

1. Administration:

A **Supervisor** is to administer and oversee the LPR program whose responsibilities include the following:

- Maintain an adequate number of trainers;
- Select and train approved members to operate the LPR system (All training must be documented);
- Arrange for additional training when and as deemed necessary; and
- Maintain records identifying approved LPR details and their results and ensure appropriate documentation of significant incidents and arrests that are related to LPR usage.

LPR Operator Selection:

Consider the following qualifications when approving members for LPR training:

- Members driving record;
- Past demonstration of good judgment regarding vehicle pursuits; and
- Excellent VTL and Penal Law enforcement activity.

Training:

Officers are **prohibited** from using the LPR system until they have been properly trained in its use, and have been instructed as to operational protocols.

2. Patrol Operations

Officers **MUST** notify and obtain approval from a supervisor to use the LPR during routine patrol. This information must be documented on the LPR System Use Log. A supervisor **MUST** be notified of all appropriate matters (i.e. pursuits, significant

arrests, etc.). Activity must be reported monthly on the DCJS LPR Survey Form.

Daily LPR User Log- A “daily user” log will be maintained in the LPR vehicle or station where it is being used. Activity reports shall be consolidated and forwarded to (Agency Defined Supervisor) monthly. The (Agency Defined Supervisor) designated to oversee the LPR program shall review the log(s) to ensure that inquiries are properly completed and logged. This log must be retained for a minimum of current year plus one year. If the log has an arrest or hit associated with it, it must be retained as part of the case folder. Retain the log until all arrests associated with the log page have reached a final disposition.

LPR Data Query Log- Requests to review stored data shall be recorded and maintained in the same manner as criminal history logs. LPR data is stored for a short time frame on the LPR hard drive (up to thirty days). Access shall be limited to designated personnel in each Department, who have been provided account access to conduct authorized LPR stored data queries. The Officer conducting the query must make the log entry. The log shall be retained for a minimum of current year plus one year. If the log has an arrest or hit associated with it, it must be retained as part of the case folder. Retain the log until all arrests associated with the log page have reached a final disposition.

Special Details – (Agency Head or designated title) **MUST** approve LPR use during non-traditional VTL details (i.e. in high crime areas during Operation Impact details, or during directed criminal investigations).

- Careful consideration must be given to appropriate staffing. It is recommended details focused in high crime areas be comprised of no less than four Officers / Investigators and one supervisor, usually a non-commissioned officer.
- LPR equipment may be used to further criminal investigations by providing access to stored records and/or by assigning LPR equipment in a designated manner and area.
- Participation by outside agencies is not prohibited.
- Use of the LPR system in a roving capacity on details should require a driver and a system operator in the LPR equipped vehicle. The LPR operator is responsible for confirming any hot list hits via NYSPIN, and to identify target vehicles for the support vehicles. Support vehicles may be one or two person units as directed by the detail supervisor.
- Concealed use LPR vehicles, focused on high crime reduction initiatives, will not be used to initiate the traffic stop absent exigent circumstances.
- Stationary mode usage requires only one member to operate the system, verify hits and identify target vehicles for the support cars.
- **Note:** Commissioned Officers may issue further restrictions, taking into account knowledge of the area to be patrolled and the particular assignment.

Vehicles- LPR equipped vehicles should be used as often as possible. When not in use, every effort is to be made to ensure that the LPR vehicle is garaged.

- A copy of the Car System User Guide shall be maintained in a folder in each LPR equipped vehicle.

LPR Maintenance- The LPR camera lenses shall be cleaned with a glass cleaner sprayed on a soft cloth at the beginning and end of each use.

- Any damage shall be reported immediately through channels to the Commissioned Officer in charge. Technical questions concerning the LPR shall be directed to (Agency Defined).
- Officers shall **NOT** directly contact the vendor(s). All vendor contact will occur through (Agency Defined).

Hit Verification:

- The information received from License plates that are recognized as wanted hits is dated, typically up to 24 hours old. Officers must verify all “hits” through NYSPIN, and follow all NYSPIN policies and procedures. At this time the LPR does not interface with real time NCIC or NYSPIN data, the LPR is **ONLY** to be used as an investigative tool. Confirmation is essential prior to a stop.
- **Verified Hits** on an unoccupied vehicle – maintain visual observation while supervisory contact is initiated to determine if immediate recovery action will be taken or whether surveillance will be continued.

Updating/Using LPR Wanted Files:

- For vehicles equipped with Traffic and Criminal Software (TraCS), at the beginning of each detail or shift using the LPR, a ‘start-shift’ from the TraCS application shall be conducted to update and transfer the required wanted files to the vehicle computer.

*******For Non TraCS equipped vehicles follow the Agency Instructions.**

User Added Hit Files (Plates):

- After the initial upload to the LPR, if it becomes necessary to add specific information, the database can be “customized” by manually entering the information. This option is provided on the computer desktop screen under the “Operation” icon and should be utilized in cases where crimes are reported after the LPR has been deployed (e.g., Stolen Vehicles, Amber Alerts, radio item broadcasts, etc.) or when a manual plate check needs to be performed. A Commissioned Officer must approve any additional data entry (i.e. entering local police department gang information, patrol awareness for Project Impact assignments, etc.).

B. Investigations

The License Plate Reader has been used for many purposes by investigative units throughout New York State. Initially, it was used to address the stolen vehicle issue and was quickly determined that limiting the use of the LPR to locating stolen vehicles was not an effective use of the personnel assigned to these details. Throughout the State, few stolen cars are recovered parked on the street with their original license plates attached. If a valid license plate is attached to a stolen car, the LPR will not know the car is stolen.

Numerous details conducted have yielded the following effective strategies when using the LPR for investigative purposes. The LPR is used by specialized units with uniform patrol support in an effort to saturate a specific geographical area. The chance of identifying a crime in progress is directly related to the amount of vehicles stopped for violating the law. This requires that all vehicles whose registration plate returns any "hit" from the hot list be stopped. The greatest number of vehicles which return a hit by the LPR are in the suspended and revoked registration category.

These vehicles should be impounded and therefore require an inventory search to safeguard the contents of the vehicle. This application works well, especially when specialized personnel from narcotics, auto theft, fraudulent documents, gun and gang units are present to examine any issues that arise. Be advised, addressing all suspended and revoked registrations can quickly exhaust the resources of a detail. Consideration must be given to having the appropriate number of personnel available and, subsequently scaling back which "hits" will be addressed or ending the detail when the support vehicles are no longer available. The combining of forces within an agency as well as with state, county and local police has been very effective when conducting these saturation details.

The LPR can be used to locate vehicles of interest for a specific investigation. An example would be locating one or more recently stolen vehicles in close proximity to each other or located near a suspected chop shop. The stolen vehicle(s) can then be surveilled and/or have a GPS placed on them, which will afford investigators the ability to follow them to their ultimate destination.

Specific vehicle files can be loaded into the LPR that may relate to a situation of concern to a certain geographical area. Some examples would be gang members or associates, prior sex offenders, burglary, robbery, auto theft, larceny and criminal mischief targets. The data collected may enable investigators to take immediate action or provide solid leads should a crime occur in the vicinity of the captured plate.

C. Mutual Aid Situations

1. Emergency Based Operations

During the course of normal law enforcement duties, incidents may occur that require immediate assistance from other local, county or state law enforcement agencies. The License Plate Reader can be a valuable tool in these situations, such as an AMBER Alert, bank robbery or other violent crime, and can help bring the incident to a safe and successful conclusion.

The DCJS, as part of the letter of agreement to receive a plate reader, requires the deployment of available license plate readers in the event an AMBER or DCJS Missing Child/College Student Alert is announced. A coordinated plan is presented below so that local, county and state law enforcement agencies can maximize the coverage area to search for any vehicle involved in the abduction.

2. NYS AMBER and NYS DCJS Missing Child/College Student Alert Activations

Communications - Upon receiving notification (via fax, NYSPIN, email or other notification system) that a NYS AMBER Alert or NYS DCJS Missing Child/College Student Alert activation has occurred, communications staff must immediately review details and notify supervision.

Unless directed to take alternate action, communications staff must immediately broadcast Alert details to all available patrols and must specifically advise patrols using LPR equipment to manually place involved vehicle plate number(s) into respective vehicle LPR databases.

Upon receipt of updated information, communications staff should immediately provide this information to supervision and patrols. If an involved vehicle plate number changes, patrols using LPR equipment should be directed to update database entries. All actions taken by communications staff should be documented in accordance with agency policies and procedures.

Upon notification of an Alert - All patrols using LPR equipment must manually place involved vehicle plate number(s) into the vehicle database. Officers should proceed to patrol areas which are likely to increase the chance of encountering the vehicle. Upon receipt of updated information (i.e., involved vehicle plate number changes), patrols must immediately update database entries.

Look back - Officers must promptly search the vehicle LPR databases to determine if a record of past encounters exists. If so, information should immediately be provided to supervision for investigative action. Also, supervision should review the agency records database, if one exists, to determine if patrols had previously encountered the target plate. Logs should be updated according to the previously cited general procedures.

Recovery - If the vehicle is encountered, the actions taken should ensure the safe recovery of the missing child. Officer experience and judgment, as well as agency specific policies and procedures (i.e., critical incident management), will dictate the best course of action to take. All actions should be documented in accordance with agency policies and procedures.

Additionally, registration plates can be added to the LPR database during a detail. These plates are then brought to the attention of law enforcement after the existing data has been downloaded into the LPR. Examples would be vehicles reported stolen after 5:00AM that date, AMBER or DCJS Missing Child/College Student Alert or any other vehicle involved in an incident or crime that is being sought by law enforcement. LPR units can be deployed to collect all registration plates in an area surrounding a major

crime scene or incident. LPR units can also be placed at “pinch points” or major routes of escape/travel immediately after such an event.

3. Coordinated Scheduled Operations

When other violent crimes occur (bank robberies, murder, kidnapping) local agencies should contact adjacent law enforcement agencies with LPRs and determine the proper level of assistance needed. They should work together to determine a perimeter and deploy the license plate readers accordingly.

The development of a mutual aid plan follows an outline that, at a minimum, addresses the following issues:

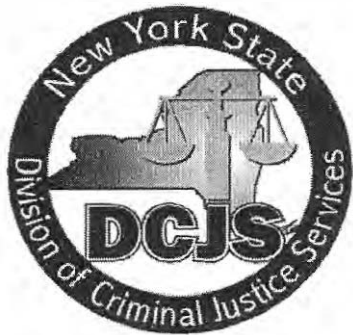
1. Definitions and Concepts
2. Levels of Mutual Aid
3. Mutual Aid Procedures
4. Practical Issues
5. Law Enforcement Agency Roles and Responsibilities

DCJS encourages local, county and state law enforcement agencies to utilize the LPRs in targeted traffic enforcement details such as Stop DWI checkpoints or seat belt enforcement details. License plate readers can be a valuable tool in other interagency coordinated efforts to monitor traffic safety on roadways that traverse several law enforcement jurisdictions to improve the safety on New York’s roadways. As with any roadblock or targeted operation, the departments involved should consult with the proper legal authority for their jurisdiction and discuss the proper manner in which to conduct the roadblock, taking into consideration established legal precedent and the legal rights of the person(s) involved.

In conclusion, DCJS will facilitate meetings to assist local agencies in developing a Plan of Operation in mutual aid situations that focuses on interagency cooperation and information sharing to ensure that the license plate readers are deployed in the most effective manner. DCJS will also conduct debriefings with affected agencies to fine tune the mutual aid response process and cooperatively identify the strengths and weaknesses in the overall deployment plan.

Part III

LEGAL CONSIDERATIONS



MEMORANDUM

TO: Local Law Enforcement Agencies
FROM: Gina L. Bianchi
Deputy Commissioner and Counsel
DATE: October 26, 2006
SUBJECT: License Plate Readers

There does not appear to be any legal impediment to the use of a license plate reader by law enforcement. It does not appear that such use would constitute a Fourth Amendment search. An observation made by a police officer without a physical intrusion into a constitutionally protected area does not implicate the Fourth Amendment or require a search warrant (see, Hester v. United States, 265 U.S. 57 [1924]). A police officer who is lawfully present in an area may look into the windows of a parked car (see, United States v. Martin, 806 F.2d 204[1986]). Given the foregoing, it seems clear that a police officer's observation of a license plate on a car located in an area viewable from a public street would not constitute a search. The use of a license plate reader to enhance the officer's observation would likely not cause the observation to become a search for purposes of the Fourth Amendment. For example, the use of artificial illumination to aid an officer's observations does not constitute a search (see, United States v. Lee, 274 U.S. 559 [1927]; People v. Hughes, 211 A.D.2d 576, 622 N.Y.S.2d 12 [1995]; People v. Vasquez, 229 A.D.2d 997, 645 N.Y.S.2d 672 [1996]). Similarly, the use of binoculars to magnify an object does not constitute a search (see, United States v. Lee, supra). A license plate reader merely accomplishes, more efficiently, the same task that a police officer may accomplish by reading a license plate and manually entering the number into a data-base. Therefore, it is reasonable to assume that a court would not hold that the use of a license plate reader would constitute a search. However, at this time there is no decisional case law from any court concerning the use of a license plate reader.

The foregoing information concerning the use of license plate readers is advisory only and is meant to provide guidance and highlight points to consider in developing a policy to govern the use of license plate readers. It is recommended that each law enforcement agency consult with its own legal advisor prior to adopting a policy regarding the use of license plate readers.

ROSARIO AND THE LPR

Submitted by William Zelenka, Bronx County ADA

The License Plate Reader (LPR) constitutes one of the latest computer based investigatory tools to be used by officers in the field. The system requires an ongoing download of target license plates emanating from the Department of Motor Vehicles and the State Police. The hardware required is either attached to a vehicle or mounted as a stand alone. The scanner reads all license plates which are within view and compares them with the wanted database. The computer also stores the location of every read via GPS. When the computer matches a plate with the database, it notifies the operator (a police officer in most case) of the reason for the match, and shows a color photo of the image capture. A record of every plate read and its result is kept. The officer confirms the hit and a car stop occurs. If an arrest is made and the officer testifies at a hearing or trial, is the information contained in the computer Rosario?

Rosario material is part of the discovery process found in sections 240.44 and 240.45 of the Criminal Procedure Law (CPL). It is "Any written or recorded statement...made by such witness...which relates to the subject matter of the witness's testimony." The statement must be in the possession or control of the People.¹ It must relate to the subject matter of the witness's direct testimony.² But the People are not required to create Rosario material³. If the material is deemed to be Rosario, the People are obligated to turn it over if it is under their control.

There is no question that the information stored in the computer is under the control of the operator. The remaining issue is whether the hit (data) the operator relies on to proceed to the confirmation step is a statement. Although the data is a written instrument under the Penal Law⁴, it should be argued that is **not** a statement by the operator/officer. Statements are either recorded or written notations of the witness. In the case of LPRs, the data generated has no connection to any statement made by the operator/officer. However, any notes made during the confirmation process by the operator/officer to verify the information would be Rosario because they would constitute notes which the operator/officer would be expected to testify about.

LPRs have the ability to store any information which the operator/officer requests. It is recommended that scans which lead to arrests be stored in the computer until such time that a court in your jurisdiction definitely rules that the scan alone is not Rosario.

¹ People v. Rosario, 9 N.Y.2d 286 (1961)

² People v. Roebuck, 279 A.D.2d 350 (1st Dept. 2001)

³ People v. Steinberg, 170 A.D.2d 50 (1st Dept. 1991)

⁴ Penal Law §170.00

MPH-900® QUICK REFERENCE GUIDE

To start the MPH-900 Automatic License Plate Reader, click desktop icon  then click the eye 




Image Adjustment (only on alarms)

Last 6 Reads Displayed

Status Indicators

Alarms- click for details on last alarms

Diagnostics- live mode to adjust cameras

Last Hotlist Load Date

Operations- manual plate check, reports or hotlist insert

Red button- STOPS reader

Magnified Plate Read

Setup- turn beep on/off

It can take 2 minutes for the system to start once the car is started.

Interface Labels:

- LPR Mobile Plate Hunter 900
- Vehicle ID: 1
- Pending Alerts: 0
- Alerts
- Management
- Diagnostics
- Hot list last update
- 2008-04-08 23:44
- Operations
- Readers
- 8DX A34
- M-01 8DXA34 MD 13:18:12
- Alarm Last events
- Reads
- Alarms
- Info
- Setup
- Menu
- Hazard
- About
- 2008-04-10 13:18:36
- LPR
- GPS
- COM

Reads	Alarms
M-01 8DXA34 MD 13:18:12	M-01 8DXA34 MD 13:16:08
M-01 UTE93T NJ 13:17:42	
M-01 J1CJ1 ? 13:17:42	
M-00 DRP8074 NY 13:17:36	
M-01 CWE9610 NY 13:17:19	
M-01 CNM4322 NY 13:17:06	

MPH-900® QUICK REFERENCE GUIDE

If Cameras Don't Read

- 1 Check power.** Make sure the power cord is plugged into the trunk box and each camera cord is plugged into the correct camera outlet (left to left, right to right). Also, check to make sure the Ethernet cable is completely plugged into the MDT/laptop.
- 2 On the system screen, check that these things are occurring:**
- 3 Make sure the 25 MM camera is on the left of the car and the 16 MM camera is on the right.** The MM size is listed on the back of each camera.
- 4 Under the diagnostic tab** you can click on each camera and observe its live feed to ensure proper alignment.

***Note:** System will not read plates while live; click **Management** tab to return to plate reading.*

- In the middle right, the play button should be grey and the stop button red.

This is correct:



- At the bottom of the screen, the LPR light should be green.

How To Search A Plate

1. Click the blue Operations button.
2. In the plate field type the license plate.
3. Click on Search Button.
4. You will see a response of either "No Hotlist Match Found" or "Match Found". Clicking "OK" brings you to the plate record.

How To Insert A Plate Into Hotlist

1. Click the blue Operations button.
2. In the plate field type the license plate number. This must be a complete plate entry.
3. In the state field choose the correct state.
4. In the notes field, type up to 100 characters to describe the violation.
5. Click the Insert button.
6. Choose the corresponding alarm type.
7. Click OK to search previous reads for the entered plate.

How To Search Previous Reads

1. Click the blue Operations button.
2. Click the Reports tab.
3. Choose start and end time for report.
4. Choose to search Reads, Alarms or Rejected alarms.
5. Optional: In the plate field type full or partial plates (using % as a wildcard).
 - AB% shows all plates that start with AB.
 - AB%3 shows all plates that start with AB and end in 3.
 - %AB% shows all plates that contain A and B.
6. Click Search button.
7. Switch between color, infrared and map location by clicking the picture of the vehicle.
8. Click on Cartography tab to see all reads on one map.

YOUR MISSION...IS OUR MISSION.

ELSAG North America, a Finmeccanica company
Global Leaders In Public Safety Technology
866.9.MPH.900 elsagna.com



Color Legend

- **Red LPR light:** First, check power plugs on transportable and cameras to be sure all are connected properly. Check your Ethernet connections. Check IP address for accuracy.
Yellow LPR light: Indicates system is booting.
- **Green LPR light:** Ready to read plates. When first powering on the system, it may take a minute or so to turn green.
- **Grey LPR light:** Call ELSAG North America Support at 1-866-967-4900.
- **Red GPS light:** Indicates GPS is not properly configured.
Yellow GPS light: Indicates insufficient GPS satellite strength.
- **Green GPS light:** Indicates the GPS is running and recording coordinates.
- **Red COM light:** Indicates a communication or configuration error.
Yellow COM light: Indicates there is no connection.
- **Green COM light:** Indicates the COM is communicating with the EOC server.

Windows® Firewall

The following ports must be opened on the Windows Firewall configuration. Consult with your network administrator on making these changes.

- | | |
|--|---|
| 1 Name: MWP
Port #: 8526
Type: UDP | 2 Name: DNP
Port #: 20000
Type: TCP |
|--|---|

Camera Measurements

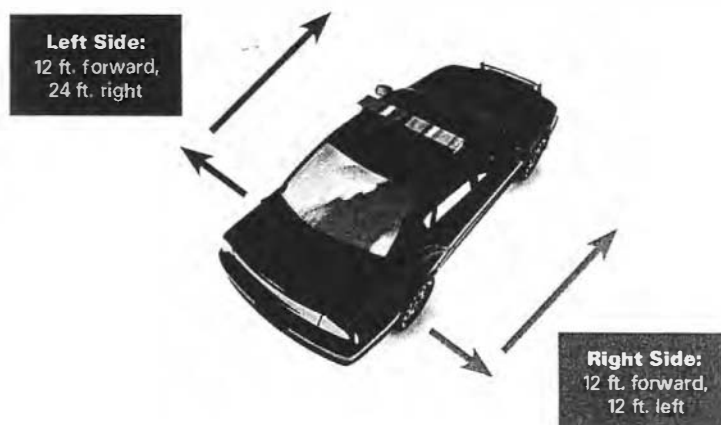
1 Left Camera: 25 MM

Once camera is on car, step 12 feet away from car, then 24 feet to the right. Turn and look at the camera. It should be lined up with your kneecap.

2 Right Camera: 16 MM

Once camera is on car, step 12 feet away from car, then 12 feet to the left. Turn and look at the camera. It should be lined up with your kneecap.

***Note:** The average human stride is 3 feet. Four strides is roughly 12 feet.*



Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Project Title: Town of Shawangunk Police License Plate Reader Project

Contacts	
Chief Frank Petrone Chief 13 Bona Venture Avenue Wallkill, NY 12589 Phone: 845-895-2317, Ext: Fax: Email: fgp201@yahoo.com	Project Start: 05/01/2008 Project End: Project Period Years 0 Months 0 Submission Date not submitted
John Valk jr. Town Supervisor/Chief Fiscal Officer P.O. Box 247 Wallkill, NY 12589 Phone: (845) 895-2900, Ext: Fax: (845) 895-1126 Email: JValkJR@hvc.rr.com	EIN: 14-6002446 Municipality No: 510377000 000 Dun & Bradstreet No: 840909001 Charities Registration No: _ Not For Profit _ Sectarian Entity
Mr. Michael A. Smith Sergeant 13 Bona Venture Avenue PO Box 247 Wallkill, NY 12589 Phone: (845) 895-2317, Ext: 241 Fax: (845) 895-9887 Email: MAS103@Yahoo.Com	County: Ulster Region: Mid-Hudson
John Valk jr. Town Supervisor/Chief Fiscal Officer P.O. Box 247 Wallkill, NY 12589 Phone: (845) 895-2900, Ext: Fax: (845) 895-1126 Email: JValkJR@hvc.rr.com	BUDGET SUMMARY Grant Funds: \$20,900.00 100.00% Matching Funds \$0.00 0.00% Total Funds \$20,900.00

Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Summary Description of Project

The Town of Shawangunk is seeking to purchase through this grant one LPR to use within our municipality for the enforcement of the New York State Vehicle and Traffic Law, in addition to addressing Home Land Security concerns. These concerns would be addressed by deploying the LPR in an effort to gain intelligence from our Local storage Facilities and airport. In addition the LPR would be utilized to aide in the tracking and detection of sexual offenders who reside within out municipality and those traveling in and through our municipality.

Federal Program Purpose Area

Program Purpose Code	Description
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Participants

Participant Name	Type	Comments
Shawangunk, Town of	Grantee	

Contacts for Shawangunk, Town of

Contact Name	Type	Phone
Chief Frank Petrone	Primary	845-895-2317
John Valk jr.	Primary	(845) 895-2900
Mr. Michael A. Smith	Secondary	(845) 895-2317
John Valk jr.	Signatory	(845) 895-2900

Participant Name	Type	Comments
Shawangunk Town Police Department	Implementing Agency	

Contacts for Shawangunk Town Police Department

Contact Name	Type	Phone
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Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Work Plan**Goal:**

The goal is to increase public safety on New York's roadways through the deployment of a license plate reader to detect motor vehicle related crimes, including motor vehicle theft and motor vehicle insurance fraud. In addition we will use this equipment to address Homeland Security needs and to assist in indentifying registered sex offenders within our jurisdiction.

Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Specific Questions**Question #1**

Describe in detail the crime problem to be addressed through this project using current statistical data where applicable. The description should include a demographic profile of the targeted area and detailed, data based analysis of crime in the area including the number of Part 1 crimes and arrests for the most recent year.

When completing this section the following issues should be addressed:

–Why is the project needed? Describe and document the nature, severity and magnitude of the problem using current crime and social-demographic data.

Answer

The specific issues to be addressed through this project involves all aspect of enforcing the New York State Vehicle and Traffic Law, which is one of the primary functions of the Town of Shawangunk Police Department. The project will also assist in the area of Penal Law Enforcement issues, including but not limited to stolen car recovery, (Grand Larceny) and would also aide in sexual predator identification. The addition of a LPR, to the Town of Shawangunk Police would further intensify our agencies Homeland Security Effort. The Town of Shawangunk Police Department is the primary Law Enforcement Agency in the Town of Shawangunk and the Hamlets of Walkkill, Walker Valley and Dewartkill. The Town of Shawangunk Police Department has a compliment of six full time and ten part time police officers devoted to the position of uniform road patrol. The Town of Shawangunk Police Department is a three hundred sixty five day a year full service police agency. The Town of Shawangunk Police Department has a fully operational NYSPIN System and participates in the E-Justice Program and has deployed full use of TRACS. In 2007, the Town of Shawangunk Police Department patrolled over 173,000 miles of roadway. Officers, through vehicle and traffic stops and road side assistant calls encountered an estimated 3,000 drivers. The Town of Shawangunk Police Department issued numerous traffic summons, investigated over 300 motor vehicle accidents and conducted several hundred arrest. (Statistical information obtained from the SPD 2007 Year end report) The Town of Shawangunk is divided into four hamlets, totaling 57 square miles of jurisdiction. The Town of Shawangunk is a travel gateway to neighboring Orange County where the City of Newburgh, a designated IMPACT City is located. In addition State Route 208 runs through the Town of Shawangunk which is a direct pipeline to the City of Middletown. In addition State Route 52 which crosses the western end of our municipality butts up to the Village of Ellenville, the second designated IMPACT zone in Ulster County. The Town of Shawangunk, through virtue of its relationship to the City of Middletown, Newburgh and the Village of Ellenville, continues to see on a daily basis those individuals, and the types of crimes committed as in those municipalities, (Shootings, Car thefts, Drug trafficking, Larceny and Gang related activities). The Town of Shawangunk has realized an increase in part one crimes as reported in 2006, through the RBI reporting system. Larcenies, and stolen car complaints from the adjoining municipalities have increased drastically and unfortunately the criminal elements from the Cities of Newburgh, Middletown and the Village of Ellenville continue to flock to our jurisdiction. All of these municipalities mentioned have already been identified by DCJS, as High Crime Rate Areas in New York State and all have received additional funding and or, are participating in Operation Impact to curtail their crime sprees. This has only driven the criminal element out of those targeted cities and into other jurisdictions, like the Town of Shawangunk. The Town of Shawangunk Police Department further services the Kobelt airport which is entirely in our jurisdiction. The site of this airport, since the events of 911, has added to our agencies responsibilities of conforming with the Homeland Security Standards. This added responsibility requires extra patrols of the airport and its surrounding parking lots. The task of identifying potential terrorist threats could be greatly enhanced through the deployment of the LPR, in and around the airport facility. Within the jurisdiction of the Town of Shawangunk Police Department, there is one elementary schools, one Junior High School, and one High School. Within the confines of the Town of Shawangunk, there are also two New York State Correctional Facilities, one mid level and one max level. The Town of Shawangunk, has recently seen an increase in the number of registered Sex Offenders who have taken up residency in one of our rental areas located throughout the four Hamlets. These sex offenders have also found haven in some of the trailer Parks within our jurisdiction as well as renting within some of our more prominent neighborhoods. Keeping track of the offenders is a daunting task and one that could be managed easier through the use of an LPR. Patrols through the schools districts with an LPR, equipped patrol car, could assist in identifying sex offenders who are traveling within the restricted school zone areas. The Project is to purchase and install an Automatic License Plate Reader into one of the departments four marked patrol cars. This specially equipped patrol unit would be deployed 24 hours a day over three tours of duty. The primary targeted area of use for the LPR would be the business districts, one of the major thoroughfares running through

and around the Town of Shawangunk, one of the many school locations, neighborhoods, the Kobelt airport, particularly parking facilities in and around the airport and in the area around and in both of the New York State Correctional Facilities. The proper deployment of the LPR will not only reduce unnecessary air traffic relative to data inquiries but will also assist officers in effectively patrolling the targeted areas. Officer Safety would also be greatly increased through proper data retrieval when initiating vehicle and traffic stops. The success of this program is surely guaranteed through proper deployment

Question #2

Proposed Project Strategy – Address the following requirements:

A. Describe how the project addresses the previously described problem.

- Where will the project operate? Describe the physical location of the project.
- When will the project operate? Provide time line for scheduling and accomplishing tasks.
- Identify other agencies that will be involved in this initiative and their role.

B. Complete the Work Plan section of your GMS application including the overall project goals and objectives, tasks and performance measures.

Answer

The plan of action for this project is to identify areas of our municipality that require constant law enforcement attention and to effectively and efficiently deploy an Automatic License Plate Reader in order to maximize the ability of our officers to recognize potential violators, criminals, sex offenders and terrorist threats, more rapidly than the conventional means presently used. This plan also includes the ability and means to maintain the LPR, with updates, added software options (when available) and a preventable maintenance program. Through the addition of DMV ownership records for registered sex offenders, and the addition of known associated vehicle registration information used by these offenders, The LPR, will aide our police officers in quickly identifying potential threats to our community. Key areas of threat would be the detection of a sex offender in or around one of our many schools, Parks , community centers, neighborhoods and businesses and one of the Two New York State Correctional Facilities (Maxi Security Shawangunk and the Walkill Correctional Facility). The project would specifically target these areas during peaked hours of concern. When schools are open, special events at our Parks and community centers that would attract younger aged persons. The businesses on the weekends and evening when children are more likely to be present, and our neighborhoods especially during the summer time when children are off from school and out freely playing about. The LPR, would be used during routine patrols of our local roadways, highways, to aide in detecting unregistered motor vehicles, uninsured motor vehicles, unlicensed operators, stolen motor vehicles and persistent offenders of the scoff laws. The LPR, would be deployed at and around the areas of our airport, the vicinity of the railtrails right a ways, and the Business districts to aide in detecting Homeland Security Threats and to provide information discovered to NYSIC and the NYSJTTF. This project would begin as soon as the funds were made available to purchase and install one License Plate reader. The area of deployment would be throughout the Town of Shawangunk, County of Ulster, State of New York. The initiative of this particular program is unique to the Town of Shawangunk. The Town of Shawangunk Police Department is always open to collaborative selective enforcement endeavors and will participate with any agency request to do so.

Question #3

Implementing Agency Profile – Answer the following parts of these questions.

A. Briefly describe your agency including:

- organizational structure and operational units or divisions
- the overall annual operating budget with number of employees (full-time and part-time) and hours of operation

B. Identify from which part of the agency the project will be operated

Answer

The Town of Shawangunk Police Department, is a full time-Partime police agency providing twenty-four hour a day coverage on the weekends and sixteen hours of coverage on weekdays throughout the year. The Town of Shawangunk Police Department consist of Six full time and Ten part time uniformed police officers. In addition to the officers, there are two road patrol Sergeants, one part-time Detective and a Police Chief. The Uniform Road patrol Division would be the primary deployment unit of the License Plate Recognition System (LPRS). The Shift Sergeants, would be responsible to see that prior to each shift, the information compiled for the hit list was the most accurate to date and time. The Shift Sergeants would be responsible for their respective squads and assure compliance to the established protocols for the deployment of the LPR are being met by the officers of his or her squad. The officers would be further responsible to report to their respective sergeants any malfunctions experienced while deploying the LPR, and would further have to provide documentation each and every time the LPR was deployed, indicating its use and what results had been achieved. The Shift sergeants would then forward this report to the Police Chief, who would then be responsible for performing an evaluation on the programs progress. The evaluation results would be used for determination as to the effectiveness of the

program and whether agency goals for the program have been met.

Question #4**Evaluation of Strategy**

Describe the method to be utilized in the evaluation of this project. Identify data that will be included to support that the desired goals of increased public safety and crime reduction will be attained.

Answer

In order to determine the success of the institution of this program, Police Officers assigned to the use of the Automatic license Plate Recognition System (LPRS), will be required to complete a usage activity log during their tour of duty. This log will then be forward from the Officer, through his shift Sergeant, to the Police Chief, whom will evaluate the efficiency of this program and whether or not program goals are being achieved. This may or may not require protocol changes in the use of the LPRS.

Question #5

What funds are needed to support the work plan in this grant proposal?

Provide an overall budget that supports the work plan presented. The detailed budget lines are to be directly related to strategy implementation and must be sufficiently justified. Second year funding must include a ten percent match and third year funding must include a twenty percent match.

Answer

Line Item #1 Purchase of the LPR from Remington ELSAG \$16, 800 Line Item #2 installation of the LPR would be conducted by certified technicians from Remington ELSAG \$300.00 Line Item #3 purchase of Panasonic CF-30 for operation of the LPR \$3,800 TOTAL GRANT REQUEST \$ 20,900.00

Question #6

The following questions and all their parts are to be answered by ONLY those agencies that have received prior IMPACT Tools grant awards and are applying for refunding. The submission of program and fiscal documentation is a compliance issue that is rated for your project. Up to 20 points can be deducted for incomplete answers and compliance issues.

Provide a comprehensive description of grant related activities for the most recent year's grant and an assessment of the project's results supported by data.

The analysis must specifically address the stated goals, objectives, tasks and performance measures of the previous year's contract.

Answer**Question #7**

Indicate if all the required Program Quarterly Progress Reports have been submitted to the Division of Criminal Justice Services (DCJS) within the specified 45 days required in the grant contract. Program Quarterly Progress Reports must be reflective of the work plan in the grant award project.

Answer**Question #8**

Have Fiscal Cost Reports (FCR) been submitted to DCJS within the specified 45 days for every quarter that the project has been funded?

Answer

Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Budget Summary by Participant

Shawangunk, Town of - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Purchase LPR from Remington ELSAG	1	\$16,800.00	\$16,800.00	\$16,800.00	\$0.00
Justification: LPR required to perform task.						
2	Installation of LPR	1	\$300.00	\$300.00	\$300.00	\$0.00
Justification: Installation non permanent mounting						
3	Panasonic Tuff Notebook Modle CF-30	1	\$3,800.00	\$3,800.00	\$3,800.00	\$0.00
Justification: Compyter required to operate LPR.						
Total				\$20,900.00	\$20,900.00	\$0.00

Version 1 Total	Total Cost	Grant Funds	Matching Funds
	\$20,900.00	\$20,900.00	\$0.00

Shawangunk Town Police Department

Advance Request**Advance:** \$0.00**Justification:**

Grant Application**Operation IMPACT Tools Initiative****Project No.****Grantee Name**

IM08-1002-E00

Shawangunk, Town of

03/11/2008

Assurance**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

Office of Program Development and Funding

Certified Assurances for Federally-supported Projects

The applicant hereby assures and certifies compliance with all Federal and State statutes, regulations, policies, guidelines, and requirements, including OMB Circulars No. A-21, A-110, A-122, A-133, A-87, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, Part 66, Common Rule, that govern the application, acceptance, and use of Federal funds for this federally-assisted project. The applicant also assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion, or similar action, has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein and in directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with the provisions of Federal law known as the Hatch Act which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants (5 USC, Section 1501, et seq, as amended).
4. It will comply with the minimum wage and minimum hours provisions of the Federal Fair Labor Standards Act, if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the U.S. Department of Justice, New York State Division of Criminal Justice Service (DCJS) or the New York State Comptroller's Office, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the U.S. Department of Justice and New York State concerning special requirements of law, program requirements, and other administrative requirements.
8. It will ensure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify DCJS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102 (a) requires, on or after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase, "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or other form of direct or indirect Federal assistance.
10. It will assist DCJS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593 and the Archeological and Historical Preservation Act of

1966 (16 U.S.C. 496a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, notifying DCJS of the existence of any such properties, and by (b) complying with all requirements established by the Federal Government to avoid or mitigate adverse effects upon such properties.

11. It will comply with the applicable provisions of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victim of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial Guide; and all other applicable Federal laws, orders, circulars, or regulations.

12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure, Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environment Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.

13. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination. CFR Part 35 and Part 39.

14. It assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against applicant, the applicant will forward a copy of the finding to DCJS for transmittal to the U.S. Department of Justice, Office of Civil Rights.

15. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

16. It will be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered pursuant to this agreement. The applicant will indemnify and hold harmless New York State and its officers and employees from claims, suits, actions, damages, and costs of every nature arising out of the provision of federally-funded services.

The applicant is potentially an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of New York State nor make any claim, demand or application to or for any right based upon any different status.

17. It assures that Federal formula grant funds, or the required cash matching funds, will not be used to supplant State or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement and criminal justice activities.

18. It assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which federal funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement and criminal justice activities by recipients of grant funds.

19. It assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as DCJS may reasonably require to administer the program.

20. It agrees that, in compliance with Section 623 of Public Law 102-141, no amount of this award shall be used to finance the acquisition of goods or services (including construction services) that have an aggregate value of \$500,000 or more, unless the recipient:

(a) specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(b) expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

21. New York State agency applicants assure compliance with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace.

22. When applicants having 50 or more employees which receive an amount of \$500,000 or more, or \$500,000 in the aggregate, in any fiscal year, are required to formulate and provide an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR, subpart e. The applicant agrees to maintain a current one on file and to certify to DCJS that it has a current EEOP on file which meets the applicable requirements. The applicant agrees not to obligate or expend any funds under this grant award until it submits to DCJS for transmittal to the respective federal grantor agency for review and approval by the U.S. Department of Justice, Office for Civil Rights, a copy of the prospective subgrantee's Equal Employment Opportunity Plan (EEOP), or the Statistical Update from the previous year, whichever is appropriate. When an Update only is appropriate, the following information should also be submitted:

(a) The number of complaints of discrimination filed against the subgrant agency within the past year, the final disposition or current status of each complaint, and the nature and issues involved in each active complaint; and

(b) A statement addressing whether or not the subgrant agency is currently operating under an equal employment conciliation agreement and, if so, a copy of that agreement and the most recent monitoring report.

23. It agrees that any publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the applicant describing programs or projects funded in whole or in part with Federal funds, shall contain the following statement:

'This project was supported by Grant # , awarded by the Office of Justice Programs, U.S. Department of Justice to the State of New York, Division of Criminal Justice Services (DCJS). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or DCJS. '

The applicant also agrees that one copy of any such publication will be submitted to DCJS to be placed on file and distributed as appropriate to other potential grantees or interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

24. It agrees that acceptance of this Certified Assurance expressly includes acceptance and intention to comply with the Federal Certification Regarding Debarment , Suspension, Ineligibility, and Voluntary Exclusion (<http://www.criminaljustice.state.ny.us/ofpa/downloadforms/debarment.doc>).

25. If the grant applied for is awarded, it will be provided by the State of New York from funds appropriated under one of the various titles of the Violent Crime Control and Law enforcement Act of 1994 (PL 103-322). The applicant assures that all information contained in the application is correct and that it will abide by all statutes, rules, and regulations of the United States and of New York State affecting the conduct of grantees, as well as to conform to the terms and conditions stated in the contractual agreement.

All Certified Assurances for federal programs, and DCJS Contract Appendices are also available online for download at <http://criminaljustice.state.ny.us/ofpa/forms.htm>. 06/01 edition

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28

CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

- Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

((FOR ANY GRANTEE THAT MUST COMPLETE THE INFORMATION BELOW, PLEASE DOWNLOAD THE FULL DRUG-FREE WORKPLAN CERTIFICATION AT <http://www.criminaljustice.state.ny.us/ofpa/forms.htm> , COMPLETE AND MAIL, FAX OR SCAN/UPLOAD AS A FILE ATTACHMENT))

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:
Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: _____

_____ 2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

_____ 4. Typed Name
and Title of Authorized Representative

_____ 5. Signature

6. Date

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.
OFFICE OF JUSTICE PROGRAMS BJA NIJ OJJDP BJS OVC

Certified by - on

The Town of Shawangunk Police Department, is a full time-Partime police agency providing twenty-four hour a day coverage on the weekends and sixteen hours of coverage on weekdays throughout the year. The Town of Shawangunk Police Department consist of Six full time and Ten part time uniformed police officers. In addition to the officers, there are two road patrol Sergeants, one part-time Detective and a Police Chief. The total operating budget of the Town of Shawangunk Police Department is \$644,265.00. AS one can see we operate under a strict and limited budget. This grant is imperative to achieving the procurement of this vital piece of law enforcement equipment for both the safety of the public and the officers who serve them. The Uniform Road patrol Division would be the primary deployment unit of the License Plate Recognition System (LPRS).The Shift Sergeants, would be responsible to see that prior to each shift, the information compiled for the hit list was the most accurate to date and time. The Shift Sergeants would be responsible for their respective squads and assure compliance to the established protocols for the deployment of the LPR are being met by the officers of his or her squad. The officers would be further responsible to report to their respective sergeants any malfunctions experienced while deploying the LPR, and would further have to provide documentation each and every time the LPR was deployed, indicating its use and what results had been achieved. The Shift sergeants would then forward this report to the Police Chief, who would then be responsible for performing an evaluation on the programs progress. The evaluation results would be used for determination as to the effectiveness of the program and whether agency goals for the program have been met.

Project	Project #: IM08-1024-E00 Operation IMPACT Tools Initiative Project Status: Application Received Participant: Shawangunk, Town of					
Home Open Locked	General	Participants	Budget	Work Plan	Questions	Acceptance
Go to Attachment Progress Site Review Financial Equipment	Complete screen information and save. Add a Program Purpose Area (if applicable). Once finished, proceed to Participants tab. For contract certifications, appendices and supporting documentation, please visit the BJJ website for available downloads. When you have completed your application, click the SUBMIT link in the left margin. Remember, you will no longer be able to edit your application once it has been submitted.					
	Project Title * (60 Character Limit)		Town of Shawangunk Police License Plate Reader Project			
	Project Start Date	09/01/2008	(If known or applicable)	Submission Date	07/16/2008	
	Project End Date		(If known or applicable)	Grant Funds	\$20,980.00 100.00%	
	Project Period	Years 0 Months 0		Matching Funds	\$0.00 0.00%	
				Total Funds	\$20,980.00	
Reports Application Deficiency Contract Award	County Ulster					
Help Logout	Summary Description of Project (Please limit to one or two paragraphs) The Town of Shawangunk is seeking to purchase through this grant one LPR to use within our municipality for the enforcement of the New York State Vehicle and Traffic Law, in addition to addressing Home Land Security concerns. These concerns would be addressed by deploying the LPR in an effort to gain intelligence from our Local storage Facilities and airport. In addition the LPR would be utilized to aide in the tracking and detection of sexual offenders who reside within out municipality and those traveling in and through our municipality.					
Login ID: shawpd						

Version 1.0.0

Cancel

Check Spelling

* - Mandatory Field

Federal Program Purpose Area.

Program Purpose Code	Description	Remove
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Project #: IM08-1024-E00 Operation IMPACT Tools Initiative Project Status: Application Received
Participant: Shawangunk, Town of

Home Open Locked

General	Participants	Budget	Work Plan	Questions	Acceptance
Please enter budget information. If you are requesting an advance, please enter the amount requested and the justification, then save the screen before proceeding. You may edit the Advance if necessary at a later time. Enter budget information by participant. If you will only be operating with one budget, please enter the budget for the Grantee agency. For consortia, you may enter budgets by individual implementing agency. When you have completed your budget, please go on to the Workplan tab.					

Go to
Attachment
Progress
Site
Review
Financial
Equipment
Reports
Application
Deficiency
Contract
Award

Budget Summary

Participant	Grant Funds	Matching Funds	Total
Shawangunk, Town of	\$20,980.00	\$0.00	\$20,980.00
Total	100.00%	0.00%	\$20,980.00

Advance Request Amount (If not requesting an advance, please skip) \$ 0.00

Advance Request Justification (200 character limit)

Help Logout

Budget Summary by Participant
Shawangunk, Town of

Version 1 - Edit (Click here to add more lines to budget categories)

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Purchase LPR from Remington ELSAG	1	\$16,880.00	\$16,880.00	\$16,880.00	\$0.00	no
Total				\$16,880.00	\$16,880.00	\$0.00	

Version 1.0.0

#	Equipment	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Panasonic Tuff Notebook Modle CF-30	1	\$3,800.00	\$3,800.00	\$3,800.00	\$0.00	no
Total				\$3,800.00	\$3,800.00	\$0.00	

Version 1 Total	Total Cost	Grant Funds	Matching Funds
	\$20,680.00	\$20,680.00	\$0.00

Version 2 - Edit (Click here to add more lines to budget categories)

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Deficient
1	Installation of LPR	1	\$300.00	\$300.00	\$300.00	\$0.00	no
Total				\$300.00	\$300.00	\$0.00	

Version 2 Total	Total Cost	Grant Funds	Matching Funds
	\$300.00	\$300.00	\$0.00

Project	Project #: IM08-1024-E00 Operation IMPACT Tools Initiative Project Status: Application Received Participant: Shawangunk, Town of					
Home	General	Participants	Budget	Work Plan	Questions	Acceptance
Open						
Locked	Please enter a Project Goal and Save. Then move on to add Objectives and Tasks.					
Go to	Project Goal					
Attachment	The goal is to increase public safety on New York's roadways through the deployment of a license plate reader to detect motor vehicle related crimes, including motor vehicle theft and motor vehicle insurance fraud. In addition we will use this equipment to address Homeland Security needs and to assist in indentifying registered sex offenders within our jurisdiction.					
Progress						
Site						
Review						
Financial	Use this summary to track your progress through the Workplan. Once you have created an Objective, please add the Tasks and Performance Measures associated with that Objective before moving on to create new Objectives. Once you have finished your Workplan, please answer program Specific Questions on the Quesitons tab (if applicable).					
Equipment						
Reports	Click on the Objective or Task Name to view the details					
Application	Objective #1					
Deficiency	Objective Name					Deficient
Contract	To purchase two (2) license plate readers at fair market value.					no
Award						
Help	Task #1 for Objective #1					Deficient
Logout	To train every police officer in the department in...					no
Login ID:	#	Performance Measure				Deficient
shawpd	1	There will be a total of eighteen (18) police off...				no

Version 1.0.0

Project # IM08-1024-E00 Operation IMPACT Tools Initiative Project Status: Application Received
Participant: Shawangunk, Town of

Project	General	Participants	Budget	Work Plan	Questions	Acceptance
Home Open	Click on the Question to answer it. Please answer all Program Specific Questions.					
Go to Attachment Progress Site Review Financial Equipment Reports Application Deficiency Contract Award Help Logout Login ID: shawpd	# Question	Answer				Deficient
	Describe in detail the crime problem to be addressed through this project using current statistical data where applicable. The description should include a demographic profile of the targeted area and detailed, data based analysis of crime in the area including the number of Part 1 crimes and arrests for the most recent year. When completing this section the following issues should be addressed: Why is the project needed? Describe and document the nature, severity and magnitude of the problem using current crime and social-demographic data.	<p>The specific issues to be addressed through this project involves all aspect of enforcing the New York State Vehicle and Traffic Law, which is one of the primary functions of the Town of Shawangunk Police Department. The project will also assist in the area of Penal Law Enforcement issues, including but not limited to stolen car recovery, (Grand Larceny) and would also aide in sexual predator identification. The addition of a LPR, to the Town of Shawangunk Police would further intensify our agencies Homeland Security Effort. The Town of Shawangunk Police Department is the primary Law Enforcement Agency in the Town of Shawangunk and the Hamlets of Wallkill, Walker Valley and Dwarikill. The Town of Shawangunk Police Department has a compliment of six full time and ten part time police officers devoted to the position of uniform road patrol. The Town of Shawangunk Police Department is a three hundred sixty five day a year full service police agency. The Town of Shawangunk Police Department has a fully operational NYSPIN System and participates in the E-Justice Program and has deployed full use of TRACS. In 2007, the Town of Shawangunk Police Department patrolled over 173,000 miles of roadway. Officers, through vehicle and traffic stops and road side assistant calls encountered an estimated 3,000 drivers. The Town of Shawangunk Police Department issued numerous traffic summons, investigated over 300 motor vehicle accidents and conducted several hundred arrest. (Statistical information obtained from the SPD 2007 Year end report) The Town of Shawangunk is divided into four hamlets, totaling 57 square miles of jurisdiction. The Town of Shawangunk is a travel gateway to neighboring Orange County where the City of Newburgh, a designated IMPACT City is located. In addition State Route 208 runs through the Town of Shawangunk which is a direct pipeline to the City of Middletown. In addition State Route 52 which crosses the western end of our municipality butts up to the Village of Ellenville, the second designated IMPACT zone in Ulster County. The Town of Shawangunk, through virtue of its relationship to the City of Middletown, Newburgh and the Village of Ellenville, continues to see on a daily basis those individuals, and the types of crimes committed as in those municipalities, (Shootings, Car thefts, Drug trafficking, Larceny and Gang related activities). The Town of Shawangunk has realized an increase in part one crimes as reported in 2006, through the FBI reporting system . Larcenies, and stolen car complaints from the adjoining municipalities have increased drastically and unfortunately the criminal elements from the Cities of Newburgh, Middletown and the Village of Ellenville continue to flock to our jurisdiction. All of these municipalities mentioned have already been identified by DCJS, as High Crime Rate Areas in New York State and all have received additional funding and or, are participating in Operation Impact to curtail their crime sprees. This has only driven the criminal element out of those targeted cities and into other jurisdictions, like the Town of Shawangunk. The Town of Shawangunk Police Department further services the Kobelt airport witch is entirely in our jurisdiction. The site of this airport, since the events of 911, has added to our agencies responsibilities of conforming with the Homeland Security Standards. This added responsibility requires extra patrols of the airport and its surrounding parking lots. The task of identifying potential terrorist threats could be greatly enhanced through the deployment of the LPR, in and around the airport facility. Within the jurisdiction of the Town of Shawangunk Police Department, there is one elementary schools, one Junior High School , and one High School. Within the confines of the Town of Shawangunk, there are also two New York State Correctional Facilities, one mid level and one max level . The Town of Shawangunk, has recently seen an increase in the number of registered Sex Offenders who have taken up residency in one of our rental areas located throughout the four Hamlets. These sex offenders have also found haven in some of the trailer Parks within our jurisdiction as well as renting within some of our more prominent neighborhoods. Keeping track of the offenders is a daunting task and one that could be managed easier through the use of an LPR. Patrols through the schools districts with an LPR, equipped patrol car, could assist in identifying sex offenders who are traveling within the restricted school zone areas. The Project is to purchase and install an Automatic License Plate Reader into one of the departments four marked patrol cars. This specially equipped patrol unit would be deployed 24 hours a day over three tours of duty. The primary targeted area of use for the LPR would be the business districts, one of the major thoroughfares running through and around the Town of Shawangunk, one of the many school locations, neighborhoods, the Kobelt airport, particularly parking facilities in and around the airport and in the area around and in both of the New York State Correctional Facilities. The proper deployment of the LPR will not only reduce unnecessary air traffic relative to data inquires but will also assist officers in effectively patrolling the targeted areas. Officer Safety would also be greatly increased through proper data retrieval when initiating vehicle and traffic stops. The success of this program is surely guaranteed through proper deployment</p>				no
	Describe the proposed project					

<p>strategy identifying measurable objectives supported by specific tasks and performance measures. Describe how the project addresses the previously described problem.</p> <p>Where will the project operate? Describe the physical location of the project.</p> <p>When will the project operate? Provide time line for scheduling and accomplishing tasks.</p> <p>Identify other agencies that will be involved in this initiative and their role.</p> <p>Include a plan to assure the institutionalization of the project once funds are no longer available should the initiative be considered successful by the jurisdiction and warrants continuation.</p> <p>Outline the project Goals, Objectives, specific tasks and performance measures using the Workplan module in GMS</p>	<p>2 The plan of action for this project is to identify areas of our municipality that require constant law enforcement attention and to effectively and efficiently deploy an Automatic License Plate Reader in order to maximize the ability of our officers to recognize potential violators, criminals, sex offenders and terrorist threats, more rapidly than the conventional means presently used. This plan also includes the ability and means to maintain the LPR, with updates, added software options (when available) and a preventable maintenance program. Through the addition of DMV ownership records for registered sex offenders, and the addition of known associated vehicle registration information used by these offenders, The LPR, will aide our police officers in quickly identifying potential threats to our community. Key areas of threat would be the detection of a sex offender in or around one of our many schools, Parks , community centers, neighborhoods and businesses and one of the Two New York State Correctional Facilities (Maxi Security Shawangunk and the Walkill Correctional Facility). The project would specifically target these areas during peaked hours of concern. When schools are open, special events at our Parks and community centers that would attract younger aged persons. The businesses on the weekends and evening when children are more likely to be present, and our neighborhoods especially during the summer time when children are off from school and out freely playing about. The LPR, would be used during routine patrols of our local roadways, highways, to aide in detecting unregistered motor vehicles, uninsured motor vehicles, unlicensed operators, stolen motor vehicles and persistent offenders of the scoff laws. The LPR, would be deployed at and around the areas of our airport, the vicinity of the railtrails right a ways, and the Business districts to aide in detecting Homeland Security Threats and to provide information discovered to NYSIC and the NYSJTTF. This project would begin as soon as the funds were made available to purchase and install one License Plate reader. The area of deployment would be throughout the Town of Shawangunk, County of Ulster, State of New York. The initiative of this particular program is unique to the Town of Shawangunk. The Town of Shawangunk Police Department is always open to collaborative selective enforcement endeavors and will participate with any agency request to do so.</p>	no
<p>Implementing Agency Profile: Answer the following parts of these questions.</p> <p>A. Briefly describe your agency including:</p> <ul style="list-style-type: none"> - organizational structure and operational units or divisions - the overall annual operating budget with number of employees (full-time and part-time) and hours of operation <p>B. Identify from which part of the agency the project will be operated.</p>	<p>3 The Town of Shawangunk Police Department, is a full time-Parttime police agency providing twenty-four hour a day coverage on the weekends and sixteen hours of coverage on weekdays throughout the year. The Town of Shawangunk Police Department consist of Six full time and Ten part time uniformed police officers. In addition to the officers, there are two road patrol Sergeants, one part-time Detective and a Police Chief. The total operating budget of the Town of Shawangunk Police Department is \$644,265.00. AS one can see we operate under a strict and limited budget. This grant is imperative to achieving the procurement of this vital piece of law enforcement equipment for both the safety of the public and the officers who serve them. The Uniform Road patrol Division would be the primary deployment unit of the License Plate Recognition System (LPRS).The Shift Sergeants, would be responsible to see that prior to each shift, the information compiled for the hit list was the most accurate to date and time. The Shift Sergeants would be responsible for their respective squads and assure compliance to the established protocols for the deployment of the LPR are being met by the officers of his or her squad. The officers would be further responsible to report to their respective sergeants any malfunctions experienced while deploying the LPR, and would further have to provide documentation each and every time the LPR was deployed, indicating its use and what results had been achieved. The Shift sergeants would then forward this report to the Police Chief, who would then be responsible for performing an evaluation on the programs progress. The evaluation results would be used for determination as to the effectiveness of the program and whether agency goals for the program have been met.</p>	no
<p>Evaluation of Strategy</p> <p>Describe the method to be utilized in the evaluation of this project. Identify data that will be included to support that the desired goals of increased public safety and crime reduction</p>	<p>4 In order to determine the success of the institution of this program, Police Officers assigned to the use of the Automatic license Plate Recognition System (LPRS), will be required to complete a usage activity log during their tour of duty. This log will then be forward from the Officer, through his shift Sergeant, to the Police Chief, whom will evaluate the efficiency of this program and whether or not program goals are being achieved. This may or may not require protocol changes in the use of the LPRS.</p>	no

will be attained.		
<p>What funds are needed to support the work plan in this grant proposal?</p> <p>Provide an overall budget that supports the work plan presented. The detailed budget lines are to be directly related to strategy implementation and must be sufficiently justified. Second year funding must include a ten percent match and third year funding must include a twenty percent match.</p>	<p>Line Item #1 Purchase of the LPR from Remington ELSAG \$16, 800 Line Item #2 installation of the LPR would be conducted by certified technicians from Remington ELSAG \$300.00 Line Item #3 purchase of Panasonic CF-30 for operation of the LPR \$3,800 TOTAL GRANT REQUEST \$ 20,900.00</p>	no

< >

Total Records: 8 ,Page 1 of 2



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
Four Tower Place
Albany, New York 12203-3764
<http://criminaljustice.state.ny.us>

September 30, 2008

Chief Frank Petrone
Shawangunk Town Police Department
13 Bona Venture Avenue
Wallkill, NY 12589

Dear Chief Petrone:

I regret to advise you that the Shawangunk Town Police Department was not selected for a grant award under the SFY 2008/09 Operation IMPACT Tools Program, in response to your recent application. Your request for a LPR will be considered for another funding stream in the near future.

If you should have any questions or require additional information, please do not hesitate to contact me at (518) 457-8462 or Eileen Langer-Smith at (518) 457-8404. On behalf of the NYS Division of Criminal Justice Services, thank you for your participation in this RFP and your efforts in strategic crime fighting and violence prevention initiatives in New York State.

Sincerely,

A handwritten signature in cursive script that reads "Anne Marie Strano".

Anne Marie Strano
Director
Office of Program Development and Funding

cc: Honorable John Valk Jr., Supervisor, Town of Shawangunk

Letter of Agreement to Participate in the Traffic Safety Improvement Initiative

This letter of agreement will have the duration of two years from the equipment delivery date to the Law Enforcement Agency (Recipient), and may be amended in writing upon the mutual consent of the Recipient and DCJS. This letter of agreement may be terminated at the discretion of the Commissioner of the Division of Criminal Justice Services.

This letter confirms the agreement between DCJS and the Recipient, wherein DCJS has agreed to transfer all right, title, and interest in the LPR to the Recipient, and the Recipient agrees to accept the transfer of all right, title, and interest in the LPR, upon the following conditions.

1. The Recipient agrees to appoint a staff member to coordinate the receipt and utilization of the LPR (see attached Agency Coordinator Contact Form). The Recipient agrees to notify DCJS in writing of any personnel changes in regards to the LPR program coordination. The coordinator will be required to submit quarterly report data to DCJS and make appropriate efforts to ensure that the LPR equipment is utilized a minimum of eight (8) hours per week.
2. The Recipient agrees to provide DCJS a standardized quarterly progress report for a minimum of two years regarding LPR usage (see attached LPR Quarterly Progress Report). Each LPR contains software capable of generating the statistics necessary to complete the reporting requirements. Training on how to obtain the report from the LPR unit will be provided by the vendor upon installation and with subsequent software upgrades. This report data is essential in the ongoing evaluation on the effectiveness of LPR technology.

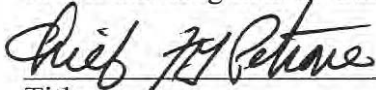
Quarterly reports are to be sent electronically or via fax to the designee of the Director of the Office of Program Development and Funding.

3. The Recipient agrees to provide an appropriate and compatible laptop computer for the use and operation of the LPR.
4. The Recipient agrees to accept all responsibility for the care and operation of the LPR. Furthermore, the Recipient agrees to provide for the maintenance and support of the LPR beyond the original one-year warranty and service contract. Prior to the expiration of the DCJS funded one-year warranty, the Recipient agrees to purchase the second year extended warranty which covers the latest version of the applicable software.
5. The Recipient agrees to develop and implement a departmental policy regarding the utilization of the LPR and provide said policy in writing to DCJS within 90-days of receiving the LPR.

6. The Recipient agrees to implement strategic crime prevention and control initiatives regarding highway safety issues and other motor vehicle related offenses as recommended in the 'Operation of License Plate Readers for Law Enforcement Agencies in New York State Suggested Guidelines' (<http://www.criminaljustice.state.ny.us/ofpa/pdfdocs/approvedjune2007lprmanual1.pdf>). DCJS shall seek the return of any LPR equipment which is not effectively utilized for initiatives in accordance with the strategy recommendations.
7. The Recipient agrees to provide mutual assistance to law enforcement agencies in neighboring and/or overlapping jurisdictions which request the use of LPR's for special operations (subject to availability).
8. The Recipient agrees to immediately deploy the LPR when responding to the recovery of an abducted child (Amber Alert). The agency agrees to comply with the guidelines as issued by the Missing and Exploited Children's Clearinghouse (MECC) which are used during an AMBER Alert. Agencies should:
 - a. Provide notification to patrols.
 - b. Search during an incident.
 - c. Look back for encounter prior to the alert date.
 - d. Obtain assistance from other agencies with LPR equipment.
9. Any notice to either party must be in writing, signed by the party giving it, and shall be served personally, electronically or by mail to the other party. Notice to DCJS is to be given to the Deputy Commissioner of the Office of Program Development and Funding and notice to the Recipient is to be given to the person signing this letter of agreement on behalf of the Recipient or that individual's replacement pending a cessation of employment from the Recipient agency.

For the Law Enforcement Recipient:

In Acknowledgment of and Agreement with the Provisions of this Letter of Agreement:


Title: _____


Law Enforcement Agency

Date: 01/21/09



March 18, 2010

Chief Frank Petrone
Shawangunk Police Department, Town of
13 Bonaventure Ave
Wallkill, NY 12589

Dear Chief Petrone,

I hope the New Year finds you well! The past year has proven to be especially successful for ELSAG and we owe it all to our loyal partner agencies. With the combined efforts of US Law Enforcement and the MPH-900 technology, hundreds of individuals have been apprehended.

As we grow, our goals for 2010 will remain the same -- to support and grow the Automatic License Plate Recognition (ALPR) and public safety missions across all agencies in North America and beyond, with ALPR as standard equipment. As we continue to develop solutions that support your missions, we want to maintain the momentum of this growing market by educating law makers on the values of ALPR and how vital they can be to combating crime. To this end, we have retained the counsel of Van Scoyoc Associates a Federal Government advocacy group in Washington, DC (www.vsadc.com).

Van Scoyoc Associates will use their vast network on Capitol Hill and at the Federal Agencies to keep legislators and regulators abreast of the latest ALPR technologies and provide them with detailed information to support legislative initiatives which will help fund these tools for their constituencies. In support of Van Scoyoc's work, we need to develop a portfolio of reference letters from all of our partner agencies. Our best approach for more federal funding is for each senator or congressman to hear how their own constituent's use of ALPR and the need for additional systems and equipment in the field.

Could you help with this advocacy effort by drafting a letter to ELSAG North America and your jurisdictions Members of Congress that details your mission with ALPR? The letter simply needs to describe your agency and the success from ALPR use. You may take it upon yourself to make it as detailed as you like: share success stories, explain how it has been deployed, your agencies increased need to expand the systems being used or just mention your support for the technology. Your feedback will go a long way in showcasing the power of the MPH-900 to our elected officials. With legislative action on these programs currently in full swing we would like to collect as many letters of support as possible in the next few weeks. Congressional Committees will begin to make critical decisions on federal program funding by mid March.

If you have any questions or need additional guidance on these letters please contact me I look forward to hearing from you.

Sincerely,

Mark E. Windover
CEO

P.S. We have started to collect patches from each of our partner agencies to display at our global headquarters. For each support letter and badge we collect, we will donate \$25 to C.O.P.S., which honors and supports the family members of fallen officers. Would you please send us an agency patch to proudly display?



July 3, 2009

Chief Frank Petrone or LPR Program Coordinator
Shawangunk Police Department, Town of
13 Bonaventure Ave
Wallkill, NY 12589

Dear Chief Petrone:

I hope all is well with you and your team and that this summer season will be a safe one for you and your communities.

ELSAG North America has always **strived to ensure complete customer satisfaction** with our Mobile Plate Hunter License Plate Recognition Systems. As we continue to expand the ELSAG family of users, we want to maintain the same level of support and service our clients have come to rely on.

In an effort to continue providing the highest level of support, we have hired 8 summer interns to go all over the country to check in on all of our agency partners. **We want to meet with the end users of the MPH-900 and hear their feedback about the system . . . its pluses and minuses!** At the same time we listen to your feedback, we would like to perform a diagnostic check up of all your MPH-900 units. We want to ensure that you are operating the most current software and that the cameras are in proper working order. If our marketing team senses something is deficient with a camera or the software, we will authorize its replacement at no additional cost to you.

Over the next few weeks, a member of the ELSAG mission support team will be in contact with your agency **to schedule a time** to stop by and meet with as many users of the MPH-900 in your agency as possible and review the equipment in your inventory. We hope you will welcome this campaign to your agency so we can continue to produce the best license plate recognition technology on the market.

Your mission . . . is our mission! We look forward to hearing how we can serve you better in the future.

Your partner in fighting crime,

A handwritten signature in cursive script that reads "Mark E. Windover".

Mark E. Windover
CEO, ELSAG North America



ELSAG North America Law Enforcement Systems, LLC

May 18, 2010

SECOND WARRANTY NOTICE

Shawangunk Police Dept.
13 Bona Venture Ave.
Walkill, New York 12589

Sir:

Our records indicate that your agency was notified on January 3, 2010 that the warranty on the 900MPH Plate Hunter that you received from us on March 1, 2009 was going to expire on March 16, 2010, and you haven't renewed your warranty as of yet.

The serial #'s of the unit which you purchased/received are:

- a.) Item # - 410276 – Serial # J08031917
- b.) Item # - 410300 – Serial # J07016403
- c.) Item # - 410301 – Serial # J07016085

The cost of the unit you purchased was \$17,500.00.

We are offering you another chance to purchase the extended warranty on this unit. The warranty covers software upgrades, hardware failure, labor, normal wear of the cables and 24/7 support. Without the warranty a new processor would cost approximately \$10,000.00, the cameras would cost approximately \$4,500.00 each and cables cost between \$500.00 - \$1,000.00. The cost of the extended warranty is 5% of the purchase price per year.

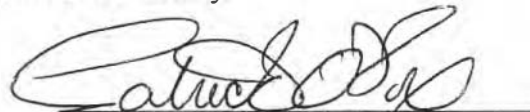
If you decide not to purchase the extended warranty and you need technical support or repairs the following costs will be billed to you as follows:

- a.) Telephone technical support or shop labor - \$125.00 per hour
- b.) Service call by our technicians (4 Hr. minimum) - \$125.00 per hour
- c.) The cost of the parts and shipping and handling

Please check the box below on which warranty you want, or the box which states I do not wish to purchase the extended warranty and mail a copy of this letter to the address on this letterhead to the attention of Patrick O. Fox, or you may fax it to (336) 379-7164, and also fax a copy to (518) 452-7777. If you are purchasing one of the warranties please enclose your check or purchase order and also send in a copy of this letter with your renewal.

- ☐ 1-year extended warranty - \$875.00
- ☐ 2-year extended warranty - \$1,750.00
- ☐ I do not wish to purchase the extended warranty.

Authorized Signature
Date _____


Patrick O. Fox
Field Operations Manager



ELSAG North America

A Finmeccanica Company



May 20, 2010

Chief Frank Petrone
Shawangunk Police Department, Town of
13 Bonaventure Ave
Walkill, NY 12589

Dear Chief Petrone,

I wanted to take this opportunity to thank you and your team for your continued support of the ALPR (Automatic License Plate Reader) mission. ELSAG North America is proud to serve alongside you and your team as well as over 650 other agencies with nearly 2,000 MPH-900 deployments in all 50 states. Assisting with a wide range of Public Safety missions including; Homeland Security, Auto Theft, Traffic Safety, DUI enforcement, Fugitive Apprehension and more, the MPH-900 is proving to be a very versatile tool.

At ELSAG North America, every member of our team is committed to delivering the highest level of support for your mission. To best serve our law enforcement partners, our professionals stand ready to support your team with;

- High quality Digital ALPR gear that's made in the USA
- 24/7 Toll Free Helpline
 - 1-866-9MPH900 (1-866-967-4900) or 336-379-7135
 - Techsupport@elsagna.com
- Remote Desktop support to fix or enhance system performance
- Field training

I have always felt, regardless of ELSAG's growth, it is critically important to focus on continuous training and communication as the mission matures. To that end, ELSAG is planning a series of regional training programs all over the US. These sessions will be free of charge and open to all current and potential new users.

To help us address your needs and make this training as beneficial as possible, I have set up a brief survey for you to submit your ideas and suggestions. I hope you will take a moment to complete the survey at <https://www.surveymonkey.com/s/elsagna>. If you are more comfortable to contact me directly with suggestions, please don't hesitate to send me an email at mark.windover@elsagna.com or call me at 336-681-7179.

Again, many thanks to you and your team for your service, we look forward to seeing you over the next several weeks.

Sincerely,

Mark E. Windover
CEO
ELSAG North America, LLC