



COUNTY OF DUTCHESS
OFFICE OF PROBATION AND COMMUNITY CORRECTIONS

Mr. Daniel Berger
Lower Hudson Valley Chapter Director
New York Civil Liberties Union
Lower Hudson Valley Chapter
297 Knollwood Road, Suite 217
White Plains, NY 10607

December 20, 2012

Dear Mr. Berger,

Please be advised that we are granting your request and are providing you with every record reasonably described pursuant to NY Public Officer's Law Section 89 3A, which is not privileged or exempt pursuant to NY Public Officer's Law Section 87, Subdivision 2.

Please note that the county is not required to prepare any record which it does not possess or maintain pursuant to Public Officer's Law, Section 89 3A.

Please be advised that we discontinued use of our License Plate Reader on or about 2009.

If you are dissatisfied with this opinion, you may, within thirty (30) days, appeal in writing to the Dutchess County Attorney, 22 Market Street, Poughkeepsie, NY 12601, pursuant to Public Officer's Law, Section 89 (4) Subdivision (A).

Very truly yours,

A handwritten signature in cursive script that reads "Mary Ellen Still".

Mary Ellen Still, Director
Dutchess County Office of Probation
and Community Corrections



NYCLU

NEW YORK CIVIL LIBERTIES UNION

Lower Hudson Valley Chapter
297 Knollwood Road, Suite 217
White Plains, NY 10607
Office: (914) 997-7479
Fax: (914) 997-2936
www.nyclu.org

RECEIVED
DEC 4 2012
DUTCHESS COUNTY
PROBATION DEPT.

BY FIRST CLASS MAIL

November 28, 2012

Director Mary Ellen Still
Eastern Dutchess Government Center
131 County House Rd
Millbrook, NY 12545

Re: Public Records Request / Automatic License Plate Readers

Dear Director Still:

On behalf of the New York Civil Liberties Union, I write to again request, pursuant to the state's Freedom of Information Law (Public Officers Law, Article 6), records regarding automatic license plate readers (ALPRs). This same request was initially made in correspondence dated July 30, 2012. Our records indicate that your agency has yet to comply with the request, in whole or in part, as required by law.

The Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Please note that if the requested records cannot be provided within 20 business days, Article 6 of the Public Officers Law mandates that the agency state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

ALPRs are also sometimes referred to as Automatic Vehicle Identification, Car Plate Recognition or License Plate Recognition equipment and/or software. This records request uses ALPR in reference to any of this technology.

Records Requested

Please provide copies of the following records created from January 1, 2006 to the present:

1. All records regarding your policies, practices and procedures for procuring and using ALPR technology, and for storing, accessing and sharing data obtained through ALPR technology;
2. All records regarding the procurement of ALPR technology, including

- a. sources of funds used to pay for ALPR technology;
 - b. invoices for the purchase of ALPR technology;
 - c. local government approval for any ALPR purchase;
 - d. interactions with vendors, suppliers and potential suppliers of ALPR technology, including materials and fact sheets supplied by vendors describing their products;
3. All records regarding the use of ALPR technology, including
 - a. what types of data are obtained;
 - b. number of license plates scanned and/or read in a given time period (day, month, year, etc.);
 - c. the number of ALPR units or systems acquired;
 - d. the number of vehicles equipped with ALPR technology;
 - e. for stationary deployments, the number and physical location of ALPR units;
 - f. the technical capabilities of the ALPR units;
 4. All records regarding the storage of data obtained using ALPR technology, including
 - a. what types of data are stored for any period longer than an hour;
 - b. how long data is stored;
 - c. when data must be discarded;
 - d. how many individual license plate scan records your agency currently stores;
 5. All records regarding access to ALPR data,
 - a. the legal justification required before an individual accesses ALPR data;
 - b. purposes for which the data may be acc
 - c. purposes for which the data may *not* be accessed;
 - d. who may access the data, what procedures they must go through to obtain access, and who must authorize access;
 - e. the existence or non-existence of a system that records who accesses the data and when the data is accessed;
 6. All records regarding the sharing of data obtained through ALPR technology, including
 - a. what type of data is shared;
 - b. which databases your agency puts collected ALPR data into;
 - c. third parties, governmental or private, that may access your agency's ALPR data, including what procedures third parties must go through in order to access the data and any restrictions placed on third parties regarding further sharing of your ALPR data;
 - d. any agreements to share ALPR data with outside agencies, corporations or other entities;
 7. All records regarding obtaining ALPR data from third parties, including which databases your agency can access;
 8. All training materials used to instruct members of your agency in ALPR deployment, data management, or operation of automated records systems that contain ALPR data to

which any member of your agency has access, including regional or shared ALPR databases.

If for any reason any portion of this request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

To the extent that these records can be made available in an electronic format, we request that they be provided in that format. We request to be notified before production of any fees associated with this request over \$25.00.

Please contact Daniel Berger by phone at 914-997-7479 or by email at dberger@nyclu.org with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Berger", with a long, sweeping horizontal stroke extending to the right.

Daniel Berger
Lower Hudson Valley Chapter Director
New York Civil Liberties Union

DUTCHESS COUNTY ATTORNEY'S OFFICE

**County Office Building
22 Market Street
Poughkeepsie, New York 12601
Tel. (845) 486-2110
Fax (845) 486-2002**

MEMORANDUM

TO: Sharon Harrison, Probation

FROM: Sherri Corcoran, Legal Secretary

DATE: February 21, 2008

SUBJECT: County w/NYS DCJS – License Plate Reader
Our File No. C-6712-V

Enclosed is one fully-executed copy of the Agreement in the above matter which has been assigned County Contract No. 07-0701-12/08-PR.

The term of this agreement is 1/1/07 – 12/31/08.

Enc

c Commissioner of Finance (original)
Comptroller

07-0701-12/08-PR



**STATE OF NEW YORK
EXECUTIVE CHAMBER**

633 Third Avenue
New York, NY 10017

GEORGE E. PATAKI
GOVERNOR

CHAUNCEY G. PARKER
DIRECTOR OF CRIMINAL JUSTICE

October 25, 2006

Director Mary Ellen Still
Dutchess County Probation Department
50 Market Street
Poughkeepsie, NY 12601

RE: Letter of Agreement Regarding Transfer of License Plate Reader

Dear Director Still:

The New York State Division of Criminal Justice Services ("DCJS") will purchase and transfer License Plate Reader equipment ("LPR") to interested Law Enforcement Agencies so that the LPR may be used in the pursuit of crime reduction activities and the apprehension of offenders.

This Letter of Agreement confirms the agreement between DCJS and the Probation Department ("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 accept all responsibility for the care and operation of the LPR. The Recipient agrees to provide an appropriate and compatible lap top computer for the use and operation of the LPR. Beyond the original warranty and service contract, in the second and subsequent years the Recipient shall be responsible for the maintenance and support of LPR including the software application associated with the LPR. The Recipient agrees to make its best efforts to purchase and install the latest version of the applicable software.

2. The Recipient agrees to develop and submit to DCJS for approval, a comprehensive LPR strategy describing the deployment and utilization of the LPR during a minimum of eight (8) hours per week. The strategy shall address the utilization of the LPR in departmental crime prevention and control initiatives and delivery of other probation services, including but not limited to all motor vehicle related crimes. The strategy shall provide for probation operation of the LPR in conjunction with at least one local or state law enforcement agency. DCJS shall seek the return of any LPR equipment which is not effectively utilized for initiatives and services in accordance with the strategy filed by the Recipient.
3. The Recipient shall appoint a staff member who will coordinate the use of the LPR and file required report data to DCJS. Recipient will advise DCJS of the appointment prior to the completion of the first quarter.
4. The Recipient agrees to provide mutual assistance to law enforcement agencies in neighboring jurisdictions who request the use of LPRs for special operations (subject to availability).
5. 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 any 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. Check for prior subject plate readings prior to the alert date.
 - d. Obtain assistance from other agencies with LPR equipment.
6. Three months after the receipt of the LPR, and every quarter thereafter, the Recipient shall provide a quarterly activity report. Each LPR Unit is able to generate a monthly activity report to complete the quarterly report. Training on how to obtain the report from the LPR Unit will be provided by the vendor upon installation or with software upgrades. This report data is essential in the ongoing evaluation on the effectiveness of LPR technology.

Quarterly reports are to be sent to the Director of the Bureau of Justice Funding, NYS Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203.

7. It is understood that DCJS will make available to the Division of Probation and Correctional Alternatives, upon request, copies of the strategy and all reports.
8. The Recipient agrees to enroll in the License Event Notification Service (LENS) offered free of charge by the New York State Department of Motor Vehicles (DMV) and continually enter requisite information to ensure the department is timely notified by DMV about the driving records of individuals under their supervision.
9. This Letter of Agreement will have a duration of two years from the date signed by the 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.
10. Any notice to either party must be in writing, signed by the party giving it, and shall be served either personally or by certified mail to the other party. Notice to DCJS is to be given to the Deputy Commissioner of the Office of Strategic Planning and notice to the Recipient is to be given to the person signing this Letter of Agreement on behalf of the Recipient.

If you are in agreement with the terms of this letter, a County/City official authorized to bind the R
original of this letter to the Bureau of Justice Funding, attention Motor Vehicle Theft and Insurance Fraud Unit. Thank you for your assistance and cooperation.

Sincerely,



Chauncey G. Parker
Commissioner

For the Law Enforcement Recipient:

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



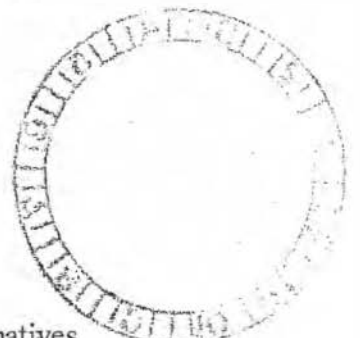
Title: _____

Law Enforcement Agency

Date: _____

cc: Robert M. Maccarone, State Director of Probation and Correctional Alternatives

14952



License Plate Reader (LPR)

Effective Date: March 11, 2007

New Policy (X)
Interim Policy ()
Modification of
Existing Policy ()

PURPOSE

To establish policies and procedures for the use of the Remington/ELSAG License Plate Reader (LPR) by officers of the Dutchess County Office of Probation & Community Corrections.

POLICY

It shall be the policy of the Dutchess County Office of Probation and Community Corrections to:

1. Operate the LPR device as a tool to enhance offender supervision. Particularly those populations of offenders classified as sexual offenders, domestic violence offenders, and habitual DWI offenders.
2. Operate the LPR in joint operations with local police agencies in furtherance of law enforcement and community safety initiatives.
3. The LPR is the responsibility of this agency and consequently will not be loaned to any other law enforcement agency. If another agency requests the use of the equipment at least one Probation Officer will be assigned to deliver and operate the system.

PROCEDURE

1. Only officers trained in the LPR system are to operate the LPR system.
2. Officers operating the LPR must obey all traffic laws.
3. Officers operating the LPR **may not** make "traffic stops," or otherwise stop, detain or impede persons in motor vehicles.
4. Two officers must be present in order to utilize the LPR while the LPR vehicle is in motion. The LPR may be operated by a single officer, but only if that vehicle is stationary (if only one PO is present, the LPR must be switched off while the vehicle is in motion).
5. Officers operating the LPR may act as backup during a traffic stop when working in conjunction with the police.

6. Alerts for Traffic Infractions/Violations (suspended registration and lapsed insurance and scoffs) will be disabled except when working in conjunction with at least one nearby police unit.
7. Upon receipt of alerts for misdemeanor or felony level offenses (stolen vehicles or wanted persons) officers operating the LPR will note the location and direction of travel of the vehicle and immediately report same to the appropriate police agency along with the vehicle identification information (Reg #., color, make, model, year). If the POs are able to do so safely while remaining in compliance with all traffic laws, they may attempt to keep the offending vehicle in sight in order to further report on its location to the police. PO's may not effect a traffic stop or in any way confront the individual(s) in the offending vehicle. However, PO's may act as "back-up" in support of responding police unit(s) if feasible.
8. When using the LPR to identify potential probationers such as DWI or Sex offenders all the above rules apply, except that PO's may approach probationers, but only after the probationer's vehicle has been parked (preferably after the probationer has exited his/her vehicle).
9. The LPR will be immediately deployed to the area of an AMBER ALERT upon receipt of such alert in or surrounding Dutchess County as deemed appropriate by an administrator.
10. Officers operating the LPR will monitor DCSO and 911 radio frequencies at all times while using the LPR. In the event of an AMBER ALERT or "Be On the Look-Out (BOLO) request, said officers will enter the vehicle registration number of any involved suspect vehicle(s) into the LPR hotlist manually as a means to help locate the vehicle.
11. The LPR will be kept locked in the administration storage room when not in use.
12. Officers utilizing the LPR will be responsible for the safekeeping of the device and as such those officers will use a high degree of caution to ensure that the LPR is not stolen or otherwise vandalized. The LPR will not be left unattended or unsecured at any time. If the LPR vehicle is left unobserved the LPR system will be dismantled and locked inside the vehicle. An extra degree of caution should be used in high crime neighborhoods.
13. At the conclusion of each use of the LPR the camera lenses will be cleaned.
14. The red strobe lights will only be utilized, for safety purposes only in conjunction with the License Plate Reader. They will only be deployed when the License Plate Reader vehicle is stationary. These red strobe lights will never be used on any moving vehicle on any public highway for any reason. The strobe lights will be signed out on the License Plate Reader sign-out sheet along with a justification for their deployment.



Receipt for limited period use of

Remington ESAG Model AD-MU/06
Serial # AE-00348

Consisting of:

1 Plate Reader Processor
2 cameras
2 camera cables
1 Network Harness
2 Camera trunk mount holders
1 gps Serial # 25416
Two equipment cases
1 Dell Latitude D410 laptop computer Serial # 80045-672-024-403
Laptop car power cable
Laptop Briefcase

Dutchess County
Office of
Probation and
Community
Corrections

William R. Steinhaus
County Executive

Mary Ellen Still
Director

William A Fluck
Deputy Director

Catherine A. Lane
Deputy Director

50 Market Street
Poughkeepsie
New York
12601
(845) 486-2600
Fax: (845) 486-2676
Adm.Fax: (845) 486-6479

223 Main Street
Beacon
New York
12508
(845) 838-4840
Fax: (845) 838-4852

Signature

Town of East Fishkill Police Department
Department

7-14-2010
Date begin

08-14-2010
Date End

Not to exceed thirty days



Receipt for limited period use of

Remington ESAG Model AD-MU/06
Serial # AE-00348

Consisting of:

1 Plate Reader Processor
2 cameras
2 camera cables
1 Network Harness
2 Camera trunk mount holders
1 gps Serial # 25416
Two equipment cases
1 Dell Latitude D410 laptop computer Serial # 80045-672-024-403
Laptop car power cable
Laptop Briefcase

Signature

Chief Charles Zore
Town of Hyde Park Police Department
Department

Date begin

Date End

Not to exceed thirty days



DUTCHESS COUNTY OFFICE OF PROBATION
INDIVIDUAL INVENTORY REPORT

Morrison, Rich



ITEM DESCRIPTION	COMMENTS	DC TAG #	SERIAL #	ISSUE DT	VERIFY DT	INITIALS
Laptop	ACER JALAO Extensa 4630		EAY0300100455F7816	gave to Tom M	11/29	DM
Laptop	millerton P.D.	License Plate reader	14377736305		11/29	DM
	Issued by FIO -camera, laptop, <i>Prosecutor - Safe</i>				11/29	DM
Dept. ID					11/29	DM
Badge - PO					11/29	DM
Keycard - 50 Market			00223		11/29	DM
Laptop		FIO				
Mobile Phone	<i>Blackberry</i>	<i>(Training)</i>			11/29	DM
OC Spray & Carrier						
Handcuffs						
BP Vest		SE-17	08095948	10/03/08	11/29	DM
Firearm		WFA-15	CSV513US		11/29	DM

11/27/2012

14957

MARCUS J. MOLINARO
COUNTY EXECUTIVE



MARY ELLEN STILL
DIRECTOR

COUNTY OF DUTCHESS
OFFICE OF PROBATION AND COMMUNITY CORRECTIONS

December 4, 2012

Daniel Berger
Lower Hudson Valley Chapter Director
New York Civil Liberties Union
297 Knollwood Road, Suite 217
White Plains, NY 10607

Re: Automatic License Plate
Readers

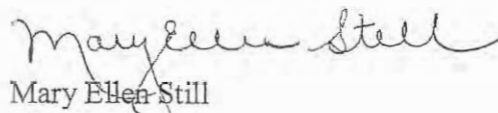
Dear Mr. Berger:

I am acknowledging your request for records regarding the above pursuant to the Freedom of Information Law. We are in the process of reviewing your request for records during the dates indicated in your correspondence.

Please be advised that this agency does not have a record of a prior request received from your agency.

You may expect to be contacted within 20 business days.

Sincerely,


Mary Ellen Still
Director



Quarterly Progress Report License Plate Reader (LPR) Probation Department Pilot Program

Agency: DUTCHESS COUNTY OFFICE OF PROBATION		Reporting Period: ☒ 2007 ☐ 2008 (Circle Year & Check the Appropriate Box)	
Number of Probationers Supervised Countywide: 2500		Jan-Mar ☐	Apr-Jun ☒
Number of Hours LPR Utilized: 107		Jul-Sep ☐	Oct-Dec ☐

Performance Measure	Number	Violations	Law Enforcement Referrals
Sex Offender at Prohibited Location	0	0	0

Performance Measure	Number	Violations	Law Enforcement Referrals
Non-Sex Offender at Prohibited Location:			
Order of Protection	0	0	0
Presence of Prohibited Probationer	0	0	0
Presence of Prohibited Person (non-probationer)	0	0	0
Alcohol Establishment (bar or liquor store)	0	0	0
Victim Impact Panel	0	0	0

Performance Measure	Number	Law Enforcement Referrals	Arrests	Felonies	Misdemeanors
Stolen Vehicles Recovered	0	0	0	0	0
Suspended / Revoked Registration	31	20	0	0	0
Suspended / Revoked License	1	1	0	0	0
Stolen Plates	0	0	0	0	0
Wanted Individuals / Warrants	1	1	1	0	0
Wanted Delinquent Spousal Support	0	0	0	0	0
Plates Read by LPR	14,778				
Joint Initiatives w/ Law Enforcement	6				
AMBER Alerts	1				

Unexpected Outcomes	Type	Value
Guns recovered	0	\$ 0 (approx.)
Money recovered	0	\$ 0
Drugs recovered	0	\$ 0 (approx.)
Other	Gang intel found on a vehicle search that resulted from a traffic stop based on a LPR hit.	

Recommendations or comments:

We have yet to be able to incorporate our local probationer vehicle data into the LPR Hot list. We are working on this issue with Remington/ELSAG. We have successfully participated in many Saturation patrols with a variety of LE agencies



Quarterly Progress Report License Plate Reader (LPR) Probation Department Pilot Program

Agency: DUTCHESS COUNTY OFFICE OF PROBATION		Reporting Period: ☒ 2007 ☐ 2008 (Circle Year & Check the Appropriate Box)	
Number of Probationers Supervised Countywide: 2500		Jan-Mar ☐	Apr-Jun ☐
Number of Hours LPR Utilized: 97		Jul-Sep ☒	Oct-Dec ☐

Performance Measure	Number	Violations	Law Enforcement Referrals
Sex Offender at Prohibited Location	0	0	0

Performance Measure	Number	Violations	Law Enforcement Referrals
Non-Sex Offender at Prohibited Location:			
Order of Protection	0	0	0
Presence of Prohibited Probationer	0	0	0
Presence of Prohibited Person (non-probationer)	0	0	0
Alcohol Establishment (bar or liquor store)	0	0	0
Victim Impact Panel	0	0	0

Performance Measure	Number	Law Enforcement Referrals	Arrests	Felonies	Misdemeanors
Stolen Vehicles Recovered	0	0	0	0	0
Suspended / Revoked Registration	45	10	0	0	0
Suspended / Revoked License	0	0	0	0	0
Stolen Plates	2	2	0	0	0
Wanted Individuals / Warrants	0	0	0	0	0
Wanted Delinquent Spousal Support	0	0	0	0	0
Plates Read by LPR	18835				
Joint Initiatives w/ Law Enforcement	2				
AMBER Alerts	0				

Unexpected Outcomes	Type	Value
Guns recovered	NONE	\$ (approx.)
Money recovered	NONE	\$
Drugs recovered	NONE	\$ (approx.)
Other	97 TOTAL ALARMS A MAJORITY WERE FOR SUSPENDED REGISTRATION 1 HIT ON A PROBATIONER (DOMESTIC VIOLENCE OFFENDER) VEHICLE SINCE LOCAL DATA WAS LOADED ON LPR, VEH. WAS PARKED IN FRONT OF HIS OWN HOUSE	

Recommendations or comments:



Quarterly Progress Report License Plate Reader (LPR) Probation Department Pilot Program

Agency: Dutchess County Office of Probation	Reporting Period: 2008 (Circle Year & Check the Appropriate Box)	
Number of Probationers Supervised Countywide: 2500	Jan-Mar	Apr-Jun
Number of Hours LPR Utilized:88	Jul-Sep	Oct-Dec x

Performance Measure	Number	Violations	Law Enforcement Referrals
Sex Offender at Prohibited Location	0	0	0

Performance Measure	Number	Violations	Law Enforcement Referrals
Non-Sex Offender at Prohibited Location:			
Order of Protection	0	0	0
Presence of Prohibited Probationer	0	0	0
Presence of Prohibited Person (non-probationer)	0	0	0
Alcohol Establishment (bar or liquor store)	0	0	0
Victim Impact Panel	0	0	0

Performance Measure	Number	Law Enforcement Referrals	Arrests	Felonies	Misdemeanors
Stolen Vehicles Recovered	0	0	0	0	0
Suspended / Revoked Registration	18	0	0	0	0
Suspended / Revoked License	0	0	0	0	0
Stolen Plates	0	0	0	0	0
Wanted Individuals / Warrants	0	0	0	0	0
Wanted Delinquent Spousal Support	0	0	0	0	0
Plates Read by LPR	17940				
Joint Initiatives w/ Law Enforcement	0				
AMBER Alerts	0				

Unexpected Outcomes	Type	Value
Guns recovered	NONE	\$ (approx.)
Money recovered	NONE	\$
Drugs recovered	NONE	\$ (approx.)
Other		

Recommendations or comments: We realize we did not meet the required number of hours this quarter which was a result of leave time during the holidays.



Quarterly Progress Report License Plate Reader (LPR) Probation Department Pilot Program

Agency: Dutchess County Office of Probation	Reporting Period: 2009 (Circle Year & Check the Appropriate Box)	
Number of Probationers Supervised Countywide: 3821	Jan-Mar XXX	Apr-Jun
Number of Hours LPR Utilized: 0	Jul-Sep	Oct-Dec

Performance Measure	Number	Violations	Law Enforcement Referrals
Sex Offender at Prohibited Location	0		

Performance Measure	Number	Violations	Law Enforcement Referrals
Non-Sex Offender at Prohibited Location:			
Order of Protection	0		
Presence of Prohibited Probationer	0		
Presence of Prohibited Person (non-probationer)	0		
Alcohol Establishment (bar or liquor store)	0		
Victim Impact Panel	0		

Performance Measure	Number	Law Enforcement Referrals	Arrests	Felonies	Misdemeanors
Stolen Vehicles Recovered	0				
Suspended / Revoked Registration	0				
Suspended / Revoked License	0				
Stolen Plates	0				
Wanted Individuals / Warrants	0				
Wanted Delinquent Spousal Support	0				
Plates Read by LPR	0				
Joint Initiatives w/ Law Enforcement	0				
AMBER Alerts	0				

Unexpected Outcomes	Type	Value
Guns recovered	0	\$ (approx.)
Money recovered	0	\$
Drugs recovered	0	\$ (approx.)
Other		

Recommendations or comments: