



**OFFICE OF THE SHERIFF**  
**COUNTY OF ROCKLAND**  
**POLICE DIVISION**  
55 NEW HEMPSTEAD ROAD  
NEW CITY, NEW YORK 10956



**LOUIS FALCO, III**  
Sheriff

Telephone: (845) 638-5400  
Fax: (845) 638-5161

**WILLIAM BARBERA**  
Chief of Patrol

**MARY BARBERA**  
Chief of the Sheriff's  
Office

**MATHEW McCUNE**  
Captain

December 11, 2012

**VIA E-MAIL**

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

RE: Partial Grant of Request for Records Under the Freedom of  
Information Law (FOIL)

Dear Mr. Berger:

Further to my letters dated September 20, 2012 and October 11, 2012, I am writing to respond to your request for records under FOIL dated July 30, 2012. (Attached please find copies of my September 20th and October 11th letters.) I also am writing to acknowledge your request for records under FOIL dated November 28, 2012, which was addressed to Chief William Barbera and which I received on December 10, 2012. Since your November 28th request is identical to your original July 30th request, I am denying your November 28th request as moot.

Moreover, I am writing to grant Item Nos. 2(a) and 2(c) of your July 30th request. Accordingly, attached please find a copy of Resolution No. 279 of 2007.

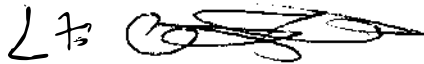


I am continuing to search for records responsive to the remaining items contained in your July 30th request and am continuing to evaluate whether portions of the requested records are exempted from disclosure by FOIL. I will advise you within thirty (30) days whether the Office of the Sheriff maintains any records that are responsive to those requests and whether it will grant or deny those requests.

Going forward, please direct all inquiries regarding your July 30th request to my attention.

Lastly, please be advised that pursuant to Executive Order No. 94-2, as amended by Nos. 04-03 and No. 07-01, which outline the procedures for applications for access to records of the County under FOIL, you have the right to appeal a denial of an application to the Records Access Appeals Officer in the Office of the County Executive, County of Rockland, 11 New Hempstead Road, New City, New York 10956.

Very truly yours,



Lt. Anthony J. Costa  
Records Access Officer  
Office of the Sheriff

Enclosures

cc: Chief William Barbera



THE ROCKLAND COUNTY SHERIFFS POLICE DIVISION IS DEDICATED TO THE PROTECTION OF LIFE AND PROPERTY, REDUCTION OF CRIME THROUGH PATROL AND ENFORCEMENT, AND THE PROVISION OF A SAFER ENVIRONMENT IN WHICH OUR CITIZENS CAN LIVE, WORK, AND PURSUE A BETTER QUALITY OF LIFE.

15499

Introduced by

Referral No. 9361

Hon. David Fried, Sponsor  
 Hon. Gerold M. Bierker, Sponsor  
 Hon. Connie L. Coker, Sponsor  
 Hon. William L. Darden, Sponsor  
 Hon. Edwin J. Day, Sponsor  
 Hon. VJ Pradhan, Sponsor  
 Hon. Patrick J. Withers, Sponsor  
 Hon. Douglas J. Jobson, Sponsor  
 Hon. Theodore R. Dusanenko, Sponsor  
 Hon. Roman Rodriguez, Sponsor  
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 279 OF 2007  
 APPROVING INTERMUNICIPAL AGREEMENT  
 BETWEEN THE COUNTY OF ROCKLAND AND  
 THE CITY OF NEW YORK THROUGH THE  
 NEW YORK CITY POLICE DEPARTMENT FOR  
 THE PROCUREMENT AND DISTRIBUTION OF GOODS,  
 (WHICH GOODS SHALL BE AT NO COST TO THE COUNTY)  
 SERVICES AND CONSTRUCTION PROJECTS  
 TO DETECT AND INTERDICT A TERRORIST ATTACK  
 AND AUTHORIZES ITS EXECUTION BY  
 THE COUNTY EXECUTIVE  
 [SHERIFF'S DEPARTMENT]**

Mr. Fried offered the following resolution, which was seconded by Mr. Pradhan and adopted:

WHEREAS, the Sheriff has advised the County Executive and the Rockland County Legislature that his department is requesting approval for an intermunicipal agreement with the City of New York through the New York City Police Department ("NYPD") for the procurement and distribution of goods, (which goods shall be at no cost to the County) services and construction projects, including the receipt of equipment and training in regard to the Secure the City initiative supported by the United States Department of Homeland Security, the State of New York and the New York State Police; and

WHEREAS, the Sheriff's Department and the NYPD intend to work together and in concert with other agencies to design and implement systems for coordinated and integrated detection and interdiction of materials that may be used in a terrorist attack or as a weapon of mass destruction within the region; and

WHEREAS, the Sheriff's Department and the NYPD recognize the critical need for mutual information sharing and cooperation to operate the systems effectively; and

WHEREAS, the NYPD has received or expects to receive various forms of assistance from the federal government including funding and equipment; and

WHEREAS, said federal assistance is to be used to support the implementation of systems for coordinated and integrated detection and interdiction of materials that may be used in a terrorist attack or as a weapon of mass destruction within the region; and

WHEREAS, in consultation with the Sheriff's Department, the NYPD will select the goods, services and construction to be purchased and distributed with the federal assistance, and the NYPD will procure all selected goods, services and construction for the Sheriff's Department using said federal assistance; and

WHEREAS, the NYPD will coordinate and facilitate arrangement of necessary training for the use of goods and equipment supplied pursuant to the intermunicipal agreement, and the Sheriff's Department will participate in said training; and

WHEREAS, the Sheriff's Department shall use the goods and equipment received under the agreement only for the purposes for which they are intended and shall keep them in good working order; and

WHEREAS, participation in this agreement shall not require the expenditure of any County funds; and

WHEREAS, the Sheriff recommends that the County enter into an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods, services and construction projects, including the receipt of equipment and training in regard to the Secure the City initiative supported by the United States Department of Homeland Security, the State of New York and the New York State Police; and

WHEREAS, the Public Safety Committees of the Legislature has met, considered and unanimously approved this resolution, now, therefore be it

RESOLVED, that the Legislature of Rockland County hereby approves the intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods, (which goods shall be at no cost to the County) services and construction projects, including the receipt of equipment and training in regard to the Secure the City Initiative supported by the United States Department of Homeland Security, the State of New York and the New York State Police; and further authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, that participation in this agreement shall not require the expenditure of any County funds.

The vote resulted as follows:

Ayes:	16	(Legislator Bierker, Coker, Darden, Day, Dusanenko, Fried, Grant, Jobson, Levine, Moroney, Murphy, Pradhan, Rodriguez, Schoenberger, Wilbers, Cornell)
U.A. Nay:	01	(Legislator Soskin)

#### Statement by the Honorable David Fried

This is National Police Week so I just felt that during the Public Safety committee report it would be appropriate to mention that. As we know, this coming Sunday at 11:00 a.m. in the front of the Courthouse is our annual Police Officer Memorial Service. I certainly think it is a wonderful and moving experience every year.

In addition to that I just wanted to make note that earlier today I had posted a press conference with the Rockland County EDA in which we outlined our new campaign, which we started to protect the Brinks Memorial site in Nyack. Madam Chairwoman, thank you for attending. I also want to thank the County Executive's office for the supportive statements that they issued today on that item. I really believe that through that awareness effort we will be able to really send a strong message to the Thruway Authority and other entities to make sure as changes occur in the 287 Corridor that in fact we are protecting that twenty five year old memorial for longevity.

#### Statement by the Honorable Harriet D. Cornell, Chairwoman

That memorial is in my Legislative district and it is clear that I will carry that message to the State Authority. Thank you.



# 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

2012  
11/28/12

BY FIRST CLASS MAIL

**RECEIVED DEC 10 REC'D**

November 28, 2012

Chief William Barbera  
Rockland County Sheriff's Office  
55 New Hempstead Rd  
New City, NY 10956

Re: Public Records Request / Automatic License Plate Readers

Dear Chief Barbera:

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
  - 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, including
  - a. the legal justification required before an individual accesses ALPR data;
  - b. purposes for which the data may be accessed;
  - 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](mailto: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 horizontal flourish extending to the right.

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



# OFFICE OF THE SHERIFF

COUNTY OF ROCKLAND

POLICE DIVISION

55 NEW HEMPSTEAD ROAD  
NEW CITY, NEW YORK 10956



**LOUIS FALCO, III**  
Sheriff

Telephone: (845) 638-5400  
Fax: (845) 638-5161

**WILLIAM BARBERA**  
Chief of Patrol

**MARY BARBERA**  
Chief of the Sheriff's  
Office

**MATHEW McCUNE**  
Captain

October 11, 2012

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

RE: Response to Request for Records under the Freedom of Information Law

Dear Mr. Berger,

Further to my letter dated September 20<sup>th</sup>, 2012, I am writing to advise you that I require an additional sixty (60) days to respond to your FOIL request dated July 30, 2012. I am continuing to search for responsive records and I am continuing to evaluate whether all or a portion of the requested records are exempted from disclosure by the Freedom of Information Law or other state or federal statute.

Please be further advised that pursuant to Executive Order No. 94-2 as amended by Nos. 04-03 and No. 07-01, which outline the procedures for applications for access to records of the County under FOIL. You have the right to appeal a denial of an application to the Records Access Appeal Officer in the Office of the County Executive, County of Rockland, 11 New Hempstead Road, New City, New York 10956

Sincerely,

Lt. Anthony J. Costa  
Patrol Lieutenant  
Records Access Officer  
Rockland County Sheriff's Office



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15505





# OFFICE OF THE SHERIFF

## COUNTY OF ROCKLAND POLICE DIVISION

55 NEW HEMPSTEAD ROAD  
NEW CITY, NEW YORK 10956



**LOUIS FALCO, III**  
Sheriff

Telephone: (845) 638-5400  
Fax: (845) 638-5161

**WILLIAM BARBERA**  
Chief of Patrol

**MARY BARBERA**  
Chief of the Sheriff's  
Office

**MATHEW McCUNE**  
Captain

September 20, 2012

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

RE: Notification of Extension for Acknowledgement of Request for Records Under  
the Freedom of Information Law

Mr. Berger,

I have just recently been assigned to the position of Records Access Officer for the Sheriff's  
Office.

I am writing to acknowledge receipt of your request for records under the Freedom of  
Information Law (FOIL) dated July 30<sup>th</sup>, 2012 which was acknowledged by Chief William  
Barbera on August 3<sup>rd</sup>, 2012 by E-mail and received by me on September 12<sup>th</sup>, 2012.  
A copy of your request is attached.

In accordance with FOIL, I am advising you that I require additional time to respond to your  
request and that I intend to send you records that are responsive to your request within (20)  
business days, (on or about October 18<sup>th</sup>, 2012).

Please be further advised that pursuant to Executive Order No. 94-2 as amended by Nos.04-03  
and No. 07-01, which outline the procedures for applications for access to records of the County  
under FOIL. You have the right to appeal a denial of an application to the Records Access Appeal  
Officer in the Office of the County Executive, County of Rockland, 11 New Hempstead Road,  
New City, New York 10956

Sincerely,

Lt. Anthony J. Costa  
Patrol Lieutenant  
Records Access Officer  
Rockland County Sheriff's Office



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OF CRIME THROUGH PATROL AND ENFORCEMENT, AND THE PROVISION OF A SAFER ENVIRONMENT IN WHICH OUR CITIZENS  
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15506



# NYCLU

NEW YORK CIVIL LIBERTIES UNION

LOWER HUDSON VALLEY CHAPTER

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

BY FIRST CLASS MAIL

RECEIVED SEP 12 REC'D  
2012

July 30, 2012

Louis Falco  
Rockland County Sheriff  
Rockland County Sheriff's Office  
55 New Hempstead Rd  
New City, NY 10956

L  
A  
S

Re: Public Records Request / Automatic License Plate Readers

To Whom It May Concern:

On behalf of the New York Civil Liberties Union, I write to request, pursuant to the state's Freedom of Information Law (Public Officers Law, Article 6), records regarding automatic license plate readers (ALPRs). 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, including
    - a. the legal justification required before an individual accesses ALPR data;
    - b. purposes for which the data may be accessed;
    - 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.

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.

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](mailto: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 horizontal flourish extending to the right.

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



**OFFICE OF THE SHERIFF**  
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Sheriff

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Fax: (845) 638-5161

**WILLIAM BARBERA**  
Chief of Patrol

**MARY BARBERA**  
Chief of the Sheriff's  
Office

**MATHEW McCUNE**  
Captain

January 10, 2013

**VIA E-MAIL**

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

RE: Partial Denial of Request for Records Under the Freedom of Information Law  
(FOIL)

Dear Mr. Berger:

Further to my previous letters dated September 20, 2012, October 11, 2012 and December 11, 2012, I am writing to respond to the remaining items contained in your FOIL request dated July 30, 2012.

This Office does not have possession of records responsive to the following items: part of 1 (i.e., the portion seeking "policies, practices or procedures for procuring ... APLR technology, and for storing, accessing and sharing data obtained through ALPR technology"), 2(b), 4, 5, 6, 7 and part of 8 (i.e., the portion seeking "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").

As a reminder, by letter dated December 11, 2012, I previously forwarded to you the record responsive to the following items: 2(a) and 2(c).



THE ROCKLAND COUNTY SHERIFFS POLICE DIVISION IS DEDICATED TO THE PROTECTION OF LIFE AND PROPERTY, REDUCTION OF CRIME THROUGH PATROL AND ENFORCEMENT, AND THE PROVISION OF A SAFER ENVIRONMENT IN WHICH OUR CITIZENS CAN LIVE, WORK, AND PURSUE A BETTER QUALITY OF LIFE.

**15510**

This Office denies the remaining requests contained in your letter. Your requests seek detailed information about the deployment and availability of crime fighting resources and methods which, if disclosed, would interfere with law enforcement investigations or judicial proceedings and would reveal non-routine criminal investigative techniques or procedures, could endanger the life or safety of any person and/or constitute inter-agency or intra-agency materials which are pre-decisional and deliberative and, therefore, they are exempt from disclosure under FOIL pursuant to N.Y. Public Officers Law Sections 87(2)(a), 87(2)(e)(i), 87(2)(e)(iv), 87(2)(f) and 87(2)(g).

Please be further advised that pursuant to Executive Order No. 94-2, as amended by Nos. 04-03 and No. 07-01, which outline the procedures for applications for access to records of the County of Rockland under FOIL, you have the right to appeal a denial of an application to the Records Access Appeals Officer in the Office of the County Executive, County of Rockland, 11 New Hempstead Road, New City, New York 10956.

Very truly yours,



Lt. Anthony J. Costa  
Records Access Officer  
Office of the Sheriff

cc: Rockland County Sheriff Louis Falco III  
Chief William Barbera



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**15511**