

The Legislature of Rockland County



JAY HOOD, JR.
Legislator – District 3

Chair, Public Safety Committee

AGENDA
PUBLIC SAFETY COMMITTEE
TUESDAY, MAY 12, 2015
6:00 PM

ROLL CALL
PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES, MEETING OF APRIL 28, 2015

1. REF. #6704 - APPROVING ACCEPTANCE OF CONTINUATION GRANT IN THE AMOUNT OF \$117,150 AID TO PROSECUTION GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES IN ORDER TO CONTINUE TO ASSIST THE ROCKLAND COUNTY DISTRICT ATTORNEY'S OFFICE IN PROSECUTING CRIMINAL CASES AGAINST REPEAT AND/OR VIOLENT FELONY OFFENDERS FOR THE PERIOD APRIL 1, 2015 THROUGH SEPTEMBER 30, 2016 AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE [OFFICE OF THE DISTRICT ATTORNEY] (\$117,150)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-01698
2. REF. #6704 - APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$35,000 BETWEEN THE COUNTY OF ROCKLAND, THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY, WITH THE ROCKLAND BOARD OF COOPERATION EDUCATIONAL SERVICES (BOCES) FOR THE POSITION OF THE DIRECTOR OF PARTNERSHIP FOR SAFE YOUTH CENTER FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AND AUTHORIZING EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [OFFICE OF THE DISTRICT ATTORNEY] (\$35,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-01665
3. REF. #6704 - APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$30,000 BETWEEN THE COUNTY OF ROCKLAND, THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY, AND THE TOWN OF CLARKSTOWN POLICE DEPARTMENT, FOR THE DISBURSEMENT OF FORFEITURE FUNDS TO SUPPORT THE INTELLIGENCE LED POLICING AND PROSECUTION CENTER'S COMPUTER SOFTWARE FOR THE PERIOD APRIL 1, 2015 THROUGH DECEMBER 31, 2015 AND AUTHORIZING EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [OFFICE OF THE DISTRICT ATTORNEY] (\$30,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-01627

4. REF. #6704 - APPROVING ACCEPTANCE OF CONTINUATION GRANT IN THE AMOUNT OF \$393,675 (NCTD) FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (NYSDCJS) CRIMES AGAINST REVENUE PROSECUTION (CARP) PROGRAM FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY] (\$393,675)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-00799

5. REF. #6704 - APPROPRIATION OF FEDERAL FORFEITURE FUNDS REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY TO DISBURSE FUNDS TO VARIOUS ROCKLAND LAW ENFORCEMENT AGENCIES FOR THEIR PARTICIPATION IN A REGIONAL INVESTIGATIVE RESOURCE CENTER CASE (RIRC) THAT RESULTED IN THE RECEIPT OF FEDERAL FORFEITURE FUNDS
[OFFICE OF THE DISTRICT ATTORNEY] (\$264,023)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL# 2015-01315

6. REF. #5327 - SETTING A DATE FOR A PUBLIC HEARING: A LOCAL LAW REGULATING THE USE OF DRONES IN ROCKLAND COUNTY
(HON. JAY HOOD, JR., LEGISLATURE)
LG# 2015-18PH

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

Introduced by:

Referral No.

DRAFT

**RESOLUTION NO OF 2015
APPROVING ACCEPTANCE OF CONTINUATION GRANT
IN THE AMOUNT OF \$117,150
AID TO PROSECUTION GRANT FROM THE
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
IN ORDER TO CONTINUE TO ASSIST THE ROCKLAND COUNTY
DISTRICT ATTORNEY'S OFFICE IN PROSECUTING CRIMINAL
CASES AGAINST REPEAT AND/OR VIOLENT FELONY OFFENDERS
FOR THE PERIOD APRIL 1, 2015 THROUGH SEPTEMBER 30, 2016
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$117,150)**

WHEREAS, The District Attorney has advised the County Executive and the Legislature of Rockland County that his office has been awarded a \$117,150 Aid to Prosecution grant from the New York State Division of Criminal Justice Services in order to continue to assist the Rockland County District Attorney's Office in prosecuting criminal cases against repeat and/or violent felony offenders for the period April 1, 2015 through September 30, 2016; and

WHEREAS, This grant will provide partial reimbursement toward the salaries of three Executive Assistant District Attorneys who currently prosecute violent and serious felony cases as a normal function of the District Attorney's Office; and

WHEREAS, This resolution requires no funding clause since said salaries and grant revenue are reflected in the County's adopted budget every year; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County;" and

DRAFT

WHEREAS, The
considered and

Committee of the Legislature has met,
approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of an \$117,150 Aid to Prosecution grant from the New York State Division of Criminal Justice Services in order to continue to assist the Rockland County District Attorney's Office in prosecuting criminal cases against repeat and/or violent felony offenders for the period April 1, 2015 through September 30, 2016, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That said grant will provide partial reimbursement for salaries of three Executive Assistant District Attorneys who currently prosecute violent and serious felony cases as a normal function of the District Attorney's Office; and be it further

RESOLVED, That this resolution requires no funding clause since said salaries and grant revenue are reflected in the County's adopted budget every year; and be it further

RESOLVED, That should outside funding be reduced and/or eliminated, any positions previously created under this grant shall automatically terminate without further action of this Legislature.

MB:lo
2015-01698
4/30/15

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement in an amount not to exceed \$35,000 between the County of Rockland, through its Office of the District Attorney, and BOCES, for the position of the Director of Partnership for Safe Youth Center as described in the attached Schedule "A", for the period January 1, 2015 through December 31, 2015 and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA03, line E4500).

MB:lo
2015-01665
4/21/15

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Schedule A

The District Attorney's Office is contracting with Rockland Board of Cooperative Educational Services (BOCES) to assist with supporting the position of the Director of Partnership for Safe Youth Center. The Partnership for Safe Youth Center is the outcome of the Multi-Agency Collaborative for Safe and Health Youth (MAC SHY) spearheaded by the District Attorney and in partnership with BOCES, the Department of mental health, Department of Probation and Department of Social Services.

The responsibilities of the Director of Partnership for Safe Youth Center include:

- Managing all operational functions of PFSY Center
- Overseeing PFSY Staff
- Informing MACSHY Executive Board on all important matters as they relate to the PFSY Center
- Community marketing and outreach for PFSY Center
- Ensure that all youth and families are best served in addressing their needs to develop a successful unified service plan
- Ensure effective communication between service providers to create a seamless planning process

\$30,000 between the County of Rockland, through its Office of the District Attorney, and the Town of Clarkstown Police Department, for disbursement of forfeiture funds to said town for law enforcement purposes as described in the attached Schedule "A" for the period April 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA03, line E4500).

MB:lo
2015-01627
4/20/15

DRAFT

Schedule A

The RC - ILPPC will be using a new types of software an technology which will draw in and accumulate huge amounts of data for analysis. A primary source will be Clarkstown's Records Management System (RMS) and Computer Aided Dispatch (CAD) system. The ILPPC will then be sending out refined intelligence that results from the analysis of that big data to various entities including Clarkstown, and all Clarkstown Supervisors and Patrol Units. The Clarkstown communications infrastructure is not capable of handling this exceptional increase in volume and requires upgrades and new technology, without which the ILPPC operations will not be able to proceed. The primary technology involved here is a software/communications package known as "Net-Motion". There is an initial cost of about \$60,000 and ongoing costs of about \$30,000 for these upgrades and improvements. Clarkstown will fund all ongoing costs, but will require the above mentioned \$30,000 in participation contributions from the District Attorney's Office in order to be able to complete the initial purchases.

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a \$393,675 continuation grant from the New York State Division of Criminal Justice Services (NYSDCJS) for the Crimes Against Revenue Prosecution (CARP) program for the period January 1, 2015 through December 31, 2015, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That \$174,368 of this grant is for salaries and fringe benefits, as well as grant revenue and was already budgeted in the Office of the District Attorney's 2015 Budget and, therefore, only the remaining \$219,307 can be appropriated and estimated as revenue in this resolution's funding clause; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept this grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A -DA -1165 -GA34 -E3130	Office Supplies	4,307
-E4090	Fees for Services-Non-Employee	215,000

Increase Est. Rev. Acct. (Debit):

A -DA -1165 -GA34 -R3380	Public Safety Grant(s)	219,307
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MJB:vma
2015-00799
3/25/15

Introduced by:

Referral No.

DRAFT

RESOLUTION NO. OF 2015
APPROPRIATION OF FEDERAL FORFEITURE FUNDS
REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
TO DISBURSE FUNDS TO VARIOUS ROCKLAND LAW
ENFORCEMENT AGENCIES FOR THEIR PARTICIPATION
IN A REGIONAL INVESTIGATIVE RESOURCE CENTER (RIRC) CASE
THAT RESULTED IN THE RECEIPT OF FEDERAL FORFEITURE FUNDS
[OFFICE OF THE DISTRICT ATTORNEY]
(\$264,023)

WHEREAS, The Office of the District Attorney has requested that \$264,023 of federal forfeiture funds in balance sheet account 8890 (Reserved for the DA - Federal Proceeds) be appropriated to the District Attorney's Budget so that his office can disburse these funds to various Rockland law enforcement agencies for their participation in a Regional Investigative Resource Center (RIRC) case that resulted in the receipt of federal forfeiture funds; and

WHEREAS, The Rockland law enforcement agencies involved in this case were the Sheriff's Department and the Clarkstown, Ramapo, Spring Valley, Orangetown, and Haverstraw Police Departments; and

WHEREAS, There is no expiration date required for use of these funds; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds and sufficient funding for the total \$264,023 appropriation exists within balance sheet account 8890; and

WHEREAS, The use of these funds for said purposes is permitted under federal guidelines; and

WHEREAS, The
considered and

Committees of the Legislature have met,
approved this resolution, now, therefore, be it

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A-DA-1165-FA02-E4500	Forfeiture Funds - Services	264,023
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Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Reserved for the DA - Federal Proceeds)	264,023
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RESOLVED, That the Office of the District Attorney is authorized to disburse said funds to the various Rockland law enforcement agencies for their participation in a Regional Investigative Resource Center (RIRC) case that resulted in the receipt of federal forfeiture funds.

MJB:vma
2015-01315
3/31/15
4/23/15vma

Introduced by:

Referral No.

,2015

Hon. Jay Hood, Jr.

RESOLUTION NO. OF 2015
SETTING A DATE FOR A PUBLIC HEARING:
A LOCAL LAW REGULATING THE USE OF DRONES IN ROCKLAND
COUNTY

WHEREAS, the PUBLIC SAFETY Committee has met, considered and by a vote approved this Resolution, now therefore be it

RESOLVED, that this Legislature hereby sets the ____ day of _____, 2015, at _____ P.M. for a public hearing to provide for a local law regulating the use of drones in Rockland County.

JB

LG 2015-18PH

4/29/15

DRAFT

LOCAL LAW NO. OF 2015
COUNTY OF ROCKLAND
STATE OF NEW YORK

(Introduced by: Hon. Jay Hood, Jr.)

A local law regulating the use of drones in Rockland County.

Be it enacted by the Legislature of the County of Rockland as follows:

Section 1. Name of local law

This law shall be known as "the Ensuring Privacy from Drones Law."

Section 2. Legislative intent.

Drones, which are unmanned aerial vehicles (UAVs) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism, have become increasingly available to private citizens for personal and recreational uses due to their declining cost. Drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is under the jurisdiction, regulation and control of the Federal Aviation Administration (FAA).

Some drones are equipped with high definition cameras, night vision cameras and infrared-see-through scopes. They can be used to fly about private residences and to hover outside someone's window or in their backyard without the knowledge of the resident who has a reasonable expectation of privacy in his or her home and in his her or her backyard.

Additionally, there is a very real safety and security concern when it comes to drones carrying and dropping contraband items such as drugs or weapons onto certain grounds such as courthouses, correctional facilities or schools.

There are currently no federal or state regulations regarding who may purchase a drone, which represents a safety risk to members of the public. Drones may be purchased and operated by sex offenders and other persons with criminal backgrounds, such as but not limited to those with convictions for domestic violence, theft, burglary, trespass, and assault.

In light of all the foregoing concerns, this local law will limit the use of drones in Rockland County to an individual's private property, another individual's private property with that owner's consent, and public parks, unless such use is

prohibited by the governmental entity having jurisdiction over such property, including but not limited to the Division of Environmental Resources of the County of Rockland.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **COUNTY** – The County of Rockland, New York.
- B. **DRONE** - an unmanned aerial vehicle (UAV) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism.
- C. **LAW ENFORCEMENT** - a lawfully established state or local public agency that is responsible for the prevention of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.
- D. **PERSON** – any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 4. Prohibition.

A. A person may not use or otherwise operate a drone in Rockland County except in and above the following locations:

- 1. a person's own private property;
- 2. another person's private property with that property owner's permission;
and
- 3. public parks, unless such use is prohibited by the governmental entity having jurisdiction over such property, including but not limited to the Division of Environmental Resources of the County of Rockland.

B. This Section shall not be construed to authorize the use of a drone for any purpose that would violate State, Local or Federal law.

Section 5. Exemptions

This act does not prohibit the use of a drone:

- A. by a law enforcement agency to counter a high risk of terrorist attack by a specific individual or organization if the United States Secretary of

Homeland Security determines that credible intelligence indicates that there is such a risk;

- B. if a law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone;
- C. if a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person; or
- D. if a law enforcement agency is using a drone solely for crime scene and traffic scene photography.
 - 1. The use of a drone under this section on private property requires either a signed search warrant lawful consent to search; and
 - 2. The use of a drone under this section on lands, highway, roadways, or areas belonging to the State or political subdivisions of the State does not require a search warrant or consent to search.
- E. if a fire and emergency services agency is using a drone solely for purposes of:
 - 1. providing an aerial view in order to better manage firefighting resources by determining point of origin, shape, or boundaries of forest fires;
 - 2. assisting in rescue of individuals from remote and difficult to access locations such as parkland, forests or mountains; or
 - 3. providing crucial information needed when responding to incidents involving hazardous materials without endangering fire and emergency service personnel.
- F. in the event a Federal, State or Local official declares a state of emergency in Rockland County, in which case utility companies under the jurisdiction of the Public Service Commission may utilize drones for damage assessment and recovery operations.
- G. by utility companies operating under the jurisdiction of the Public Service Commission for the purpose of
 - 1) inspection of utility facilities it owns and operates;

2) inspection of lands, highway, roadways, or areas belonging to New York State or its political subdivisions that contain or are planned to contain utility facilities controlled by such utility company;

3) inspection of utility easements on private property

Section 6. Penalties for Offenses.

- A. Any person found to be in violation of the provisions of this act shall be guilty of a violation and subject to a fine of \$250.
- B. Any person found to have violated the provisions of this act twice within a twelve (12) month period shall be guilty of a violation and subject to a fine of \$500.
- C. Any person found to have violated the provisions of this act three times within a twelve (12) month period or more than three times within a twenty-four (24) month period shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$1,000 and a sentence of up to one (1) year in jail.
- D. Any person found to have violated the provisions of this act by using or otherwise operating a drone above or within one hundred (100) feet of a school, house of worship, or the county jail, sheriff complex, government complex, or courthouse shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$500 and a sentence of up to six (6) months in jail.
- E. Any person found to have violated the provisions of this act by using or otherwise operating a drone above or within one hundred (100) feet of a school, house of worship, or the county jail, sheriff complex, government complex, or courthouse twice within a twelve (12) month period shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$1,000 and a sentence of up to one (1) year in jail.

Section 7. Enforcement.

This law may be enforced by any law enforcement agency having jurisdiction to act in the County of Rockland, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring his/her appearance before a court of competent jurisdiction.

Section 8. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date.

This local law shall take effect ninety (90) days after filing with the New York State Secretary of State.

ELY - JB
Lg-2015-18-LL
2/10/15
2/17/15
2/18/15
4/21/15
4/22/15
Revised 4/29/15