

#112399

DATE:

TO: Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner of Probation

RE: Authority to enter into an Agreement with the United States Marshals Service, U.S. Department of Justice, for the Westchester County Department of Probation to participate in a fugitive task force a term commencing upon execution thereof by both parties and continuing indefinitely unless inactivated in writing by either party.

Attached for your consideration is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester (the "County") to enter into an agreement with the U.S Marshals Service, U.S. Department of Justice (the "USMS"), pursuant to which the County, through its Department of Probation ("Probation"), will participate in the Fugitive Task Force for a period commencing upon execution and continuing indefinitely (the "Agreement").

Pursuant to the proposed Agreement, personnel assigned to the task force are required to undergo background investigations to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals. USMS will pay for any overtime costs incurred by County employees while working on the task force cases.

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The intent of the joint effort is to investigate and apprehend federal, local, state, tribal, and territorial fugitives, thereby improving public safety and reducing violent crime. Probation will refer cases for which the County holds the primary warrant for the subject to the Regional Fugitive Task Force ("RFTF") or Violent Offender Task Force ("VOTF") for adoption and investigation. Cases will be adopted by the RFTF/VOTF at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF/VOTF may also adopt felony violent crime arrest warrants non-participating law enforcement agencies in investigating, locating, and arresting their fugitives. Task force personnel will be assigned federal and adopted fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. All members of the RFTF/VOTF, including Task Force Officers ("TFO"), when operating on task force missions are prohibited from seeking "no knock" warrants or making "no knock" entries unless done in compliance with USMS policy and the DOJ Deputy Attorney General memorandum, dated September 13, 2021, restricting "no knock" entries to specific

scenarios. Participating agencies retain responsibility for the cases they refer to the RFTF/VOTF. Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center ("NCIC") by the USMS or originating agency, as appropriate. State, local, tribal, or territorial fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned agency. Specially deputized taskforce officers are authorized to assist with USMS missing child recovery investigations undertaken by the USMS pursuant to the applicable USMS Policy Directive and Standard Operating Procedure.

This is not a procurement within the meaning of the Westchester County Procurement Policy. This Agreement will serve a public purpose by apprehending fugitives. Accordingly, authority is respectfully sought for the County to enter into this Agreement.

RESOLUTION

Upon communication from the Commissioner of Probation, it is hereby

RESOLVED, that the County of Westchester (“County”) is authorized to enter into an agreement with the United States Marshals Service, United States Department of Justice (“USMS”), for the Westchester County Department of Probation (“Probation”) enter into an agreement with the U.S Marshals Service, U.S. Department of Justice (the “USMS”), pursuant to which the County, through its Department of Probation (“Probation”), will participate in the Fugitive Task Force for a period commencing upon execution and continuing indefinitely (the “Agreement”). USMS will pay for any overtime costs incurred by County employees while working on the task force cases; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
							N/A

Budget Funding Year(s)
(must match resolution)

Start Date: Upon Execution

End Date: Evergreen

Funding Source

Tax Dollars _____

State Aid _____

Federal Aid _____

(must match resolution)

Other _____