

Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-municipal Agreement With Various Municipalities For The Operation Of U.R.G.E.N.T. (Ulster Regional Gang Enforcement Narcotics Team) – Ulster County Sheriff

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Lapp, Maio, and Rodriguez)

Chairman of the Law Enforcement and Public Safety Committee, Thomas J. Briggs, and Deputy Chairman Ronald G. Lapp, Jr. offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Ulster County Sheriff; and

WHEREAS, the Ulster Regional Gang Enforcement Narcotics Team (URGENT) operates as a county-wide gang and narcotics law enforcement team consisting of law enforcement personnel from various agencies throughout Ulster County; and

WHEREAS, the existence of a specialized unit to combat gang violence and narcotics trafficking will benefit Ulster County and serve as a resource for all police and law enforcement agencies within the County; and

WHEREAS, URGENT is overseen by the Ulster County District Attorney and the Sheriff of Ulster County; and

WHEREAS, local municipalities have been invited to participate in URGENT and have been given a Cooperative Agreement for execution to formalize their participation; and

WHEREAS, it is anticipated that additional municipalities will elect to participate in URGENT and seek to become parties to the Cooperative Agreement; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute an inter-municipal agreement, and any amendments thereto, with the various municipalities participating in the county-wide URGENT task force, for the term January 1, 2018 to December 31, 2018, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney in consultation with the Chairman of the Legislature and the Chairman and Deputy Chairman of the Law Enforcement and Public Safety Committee; and, be it further

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RESOLVED, that additional municipalities that desire to participate shall be added as additional signatories to the Cooperative Agreement upon the review and authorization by the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 4
(Noes: Legislators Berky, Delaune, Greene and Rodriguez)
(Absent: Legislator Bartels)

Passed Committee: Law Enforcement and Public Safety on December 5, 2017

FINANCIAL IMPACT:
NONE

Legislator Rodriguez motioned, seconded by Legislator Greene, to amend two sections of the Agreement by striking certain existing language and adding new language indicated in bold font:

H. Informants

1. All informants, either compensated or contractual, must be formally processed in accordance with URGENT'S written informant policy (a copy is attached to this Agreement as "Exhibit 2") prior to being actively used. The written informant policy shall also govern the management of informants. **Use of a juvenile (any person less than 18 years of age) as a participating informant is strictly prohibited.**

and;

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EXHIBIT 2

Restricted-Use Informants

(1) Juveniles. Use of a juvenile (any person less than 18 years of age) as a participating informant is strictly prohibited.

- ~~a) — Juveniles. Officers/detectives shall not request or utilize a juvenile, (any person less than 16 years of age), as a Participating Informant unless:~~
- ~~b) — Extraordinary circumstances exist, and~~
- ~~e) — Active assistance is obtained from the appropriate investigative bureau/unit, and~~
- ~~d) — Written authorization is obtained via the juvenile and~~
- ~~e) — The juvenile's parent or legal guardian, and~~
- ~~f) — The control officer's supervisor, through the chain of command.~~
- ~~g) — The control officer's immediate supervisor shall serve as a witness to the parental consent and any arrangement agreed to by the juvenile and parent or legal guardian.~~

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 8 NOES: 14
(Ayes: Legislators Allen, Berky, Delaune, Donaldson, Greene, Heppner, Loughran, and Rodriguez)
(Absent: Legislator Bartels)

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Legislator Donaldson motioned, seconded by Legislator Loughran, to amend the bold language in the previous amendment to read:

Use of a juvenile (any person less than 18 years of age) as a participating informant is strictly prohibited, unless a prior order authorizing such participation is made by a Family Court Judge of the County of Ulster.

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 10 NOES: 12
(Ayes: Legislators Allen, Berky, Briggs, Delaune, Donaldson, Greene, Heppner, Loughran, J. Parete and Rodriguez)
(Absent: Legislator Bartels)

STATE OF NEW YORK
 ss:
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19th Day of December in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of December in the year Two Thousand and Seventeen.

Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
21st Day of December, 2017.

Approved by the County Executive this
28th Day of December, 2017.

Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Michael P. Hein
Michael P. Hein, County Executive