

CRIMINAL JUSTICE COMMITTEE MEETING  
DISTRICT ATTORNEY AGENDA  
May 24, 2021

COMMITTEE MEMBERS: Supervisors LEGGETT, Shepler, Strough, Diamond and Driscoll

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
  1. Request to delete full-time Senior Crime Victim Specialist Position and create full-time Crime Victim Specialist Position.  
Rationale: Due to the resignation of the full-time Senior Crime Victim Specialist we intent to create a (non-senior) Crime Victim Specialist Position and fill that position.
  2. Request to fill full-time Crime Victim Specialist Position.  
Rationale: Intent to fill full-time Crime Victim Specialist Position due to the resignation of the full - time Senior Crime Victim Specialist.
  3. Request to fill full-time Legal Clerk #2 position.  
Rationale: Intent to fill Legal Clerk #2 position due to vacancy/promotion of the current Legal Clerk #2 position.
  4. Request to accept award/apply for Aid to Prosecution Grant.  
Rationale: Resolution request to accept award/apply for Aid to Prosecution Grant.
  5. Request to amend Resolution 96 of 2020  
Rationale: Remove cap of \$5,000.00
  6. Request to Fill 6<sup>th</sup> Assistant District Attorney Position.  
Rationale: Intent to fill position for 6<sup>th</sup> Assistant District Attorney due to resignation of current 6<sup>th</sup> Assistant District Attorney.
  7. Request to Fill 7<sup>th</sup> Assistant District Attorney Position.  
Rationale: Intent to fill position for 7<sup>th</sup> Assistant District Attorney due to promotion of current 7<sup>th</sup> Assistant District Attorney.
  8. Request to Fill 8<sup>th</sup> Assistant District Attorney Position.  
Rationale: Intent to fill position for 8<sup>th</sup> Assistant District Attorney due to promotion of current 8<sup>th</sup> Assistant District Attorney.
- IV. Discussion Items:
  1. Request to fill full-time Legal Clerk #1 position.  
Rationale: Intent to fill Legal Clerk #1 position due to resignation of the current Legal Clerk #1 position.
    - This position was authorized for filling on an emergency basis.
  2. Referrals/Pending Items: None.
  3. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
  4. Motion to adjourn

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Attachments:

1. Resolution Request Form No. 11, Request to Create New Position, Crime Victim Specialist.
2. Resolution Request Form No. 12, Notice of Intent to Fill Crime Victim Specialist position.
3. Resolution Request Form No. 12, Notice of Intent to Fill Legal Clerk #2 position.
4. Resolution Request Form No. 5, Request to Apply for a Grant Application and Grant Agreement-Aid to Prosecution.

5. Grant Award Notice – Aid to Prosecution.
6. DCJS Office of Program Development and Funding 2021-22 Aid to Prosecution – Contract Instruction Sheet.
7. Resolution Request Form No. 4. Request for Extending, Rescinding or Amending Existing Contract.
8. Resolution 96 of 2020
9. Memorandum of Understanding NYPTI PCMS/DEMS
10. Executed Contract Review Certification Form
11. Amendment to NYPTI's 2019 PCMS/DEMS Memorandum of Understanding
12. NYPTI Invoice
13. Fully Executed Resolution Request Form No. 12, Notice of Intent to Fill Legal Clerk #1 position.
14. Resolution Request Form No. 12, Notice of Intent to Fill 6<sup>th</sup> Assistant District Attorney.
15. Resolution Request Form No. 12, Notice of Intent to Fill 7<sup>th</sup> Assistant District Attorney.
16. Resolution Request Form No. 12, Notice of Intent to Fill 8<sup>th</sup> Assistant District Attorney.

***RESOLUTION REQUEST FORM NO. 11***

***Request to Create New Position***

**DEPARTMENT NAME:** District Attorney Crime Victims Assistance Unit

**DATE:** May 24, 2021

- (a) Title of Requested Position: **Crime Victim Specialist**
- (b) Annual Base Salary (and Grade if Applicable): **\$40,954.00, Grade 14**
- (c) Effective Date for New Position:\* **June 21, 2021**  
\*Please do not backdate unless the purpose is to correct an error.
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):  
**001065 Senior Crime Victim Specialist, \$55,494.00, Grade 17**
- (e) Where are Funds in the Budget for this Position? List Budget Code, Object Code, Full Title and Amount:  
**A.1168 110 Salaries Regular**
- (f) Has Personnel Officer Reviewed and Approved of the New Position Title? (This is necessary **BEFORE** bringing the request to committees.)  
**Yes**
- (g) Is this a mandated position? If so, please explain:  
**No**
- (h) Is there expected revenue from this position? If so, please explain:  
**No**

# RESOLUTION REQUEST FORM NO. 12

Schedule "A"

## NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

### DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Crime Victim Assistance Unit Payroll Dept. No: 5.02

Title of Position: Crime Victim Specialist Base Salary of Position: \$40,954.00 Grade: 14

Filling at Step # (If Known): 1

Budget code and title: A.1168 110 Salaries Regular Union  Non-Union

This position is vacated due to:  Retirement  Resignation  Termination  Promotion  Other Creation of Crime Victim Specialist due to resignation Senior Crime Victim Specialist

Employee No./Last Name: 11293/Johr (Senior Crime Victim Specialist) Date of Vacancy: May 18, 2021

Is this position mandated?  Yes  No Is the position reimbursable?  Yes  No

Source of reimbursement:  Federal \_\_\_\_\_%  State \_\_\_\_\_%  Other \_\_\_\_\_%

### CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list  Competitive-no list (*hiring would be provisional*)  Non-Competitive  Other \_\_\_\_\_

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring. pay 5/10/21

Human Resources Director has approved this form when initialed. 5/10/21

### COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.

The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 5/10/21

### BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.

The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 5/13/21

### SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice

The committee has no objection to the filling of the vacancy.

The committee objects to the filling of the vacancy.

In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature C. Leggett Verbeek Date 5/20/21

Approved [Signature]

## CRIME VICTIM SPECIALIST

**DISTINGUISHING FEATURES OF THE CLASS:** This position exists in the District Attorney's Office and involves responsibility for delivery of program services to individuals who are victims of crimes. The incumbent assists in preparing victim impact statements, accompanies victims to court appearances when appropriate and assists the victim in communications with other representatives of the criminal justice system. Work is performed under the general direction of the Senior Crime Victim Specialist or higher level supervisor with discretion allowed for the use of independent judgment within established guidelines. Does related work as required.

**TYPICAL WORK ACTIVITIES:** (Illustrative only)

Interviews crime victims to determine types of assistance needed;  
Refers crime victims needing medical assistance, counseling, emergency shelter or legal assistance to appropriate agencies;  
Provides support to crime victims throughout court proceedings;  
Assists crime victims in preparing victim impact statements and claim forms to be submitted to the Crime Victims Board;  
Arranges for rape crisis and domestic violence counseling for victims of sexual assault and domestic violence;  
Assists victims in completing forms and paperwork regarding compensation, insurance claims, property and ancillary services;  
Provides follow-up services for continuing cases;  
May arrange appointments, transportation, lodging, interpreters and other services for crime victims;  
Serves as a liaison between victim and the District Attorney's office attorneys and staff;  
Assists the prosecutor in preparing victims to testify in Grand Jury or Court proceedings;  
Accompanies victim to court when sentencing occurs, assists in the development of sentencing victim impact statements, reads victim statements into court when requested on behalf of the victim and provides support to the victim when speaking at sentencing;  
May be present in local courts for victims assistance during scheduled court proceedings;  
Meets with all victims when referred to the program, including cross-complaint witness and victims in uncharged cases;  
Assists the Director, as assigned, with program audits;  
Maintains a variety of records and prepares statistical and financial reports regarding service delivery and program operations;  
Attends local conferences and meetings relating to victim advocacy, domestic violence and sexual assault;

**FULL PERFORMANCE KNOWLEDGE, SKILLS ABILITIES AND PERSONAL CHARACTERISTICS:** Working knowledge of the structure, organization and procedures of the criminal justice system; working knowledge of the rights of victims; working knowledge of the policies and procedures of the District Attorney's Office; working knowledge of community resources and services available to crime victims; working knowledge of the principles and practices of interviewing & restitution requests and calculations; working knowledge of legal terminology; ability to assess the need for professional counseling and make appropriate referrals; ability to develop and maintain satisfactory working relationships with crime victims, professional staff and the public; ability to communicate effectively both orally and in writing; physical condition commensurate with the demands of the position.

**MINIMUM QUALIFICATIONS:** Graduation from high school or possession of a high school equivalency diploma and either:

- A) Graduation from a regionally accredited or New York State registered college or university with a bachelor's degree or higher in criminal justice, psychology, sociology, social work or a related behavioral sciences or human services field, Or
- B) Graduation from a regionally accredited or New York State registered college or university with an associate's degree in criminal justice, psychology, sociology, social work or a related behavioral sciences or human services field and two years of paid experience where the major function of the job was in the field of crime victim advocacy or criminal justice , OR
- C) An equivalent combination of experience and training as defined by the limits of (A) and (B)..

Warren County Civil Service  
Adopted: 6/7/07  
Amended: 10/18/17, 10/17/18

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an existing funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a new position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk #2 Base Salary of Position: \$30,520.00 Grade: 5
Filling at Step # (If Known):
Budget code and title: A.1165 110 Salaries Regular Union [checked] Non-Union [ ]
This position is vacated due to: [ ] Retirement [ ] Resignation [ ] Termination [checked] Promotion [checked] Other
Employee No./Last Name: 13347/Choppa Date of Vacancy: June 21, 2021
Is this position mandated? [ ] Yes [checked] No Is the position reimbursable? [ ] Yes [checked] No
Source of reimbursement: [ ] Federal [ ] State [ ] Other

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[ ] Competitive-active eligible list [checked] Competitive-no list (hiring would be provisional) [ ] Non-Competitive [ ] Other
Actual Impact to Budget Report will be provided monthly by Human Resources Director.
Candidate's qualifications must be approved by Personnel Officer prior to hiring. RW 5/10/21
Human Resources Director has approved this form when initialed. [initials] 5/10/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[checked] The Administrator has no objection to the filling of the vacancy.
[ ] The Administrator objects to the filling of the vacancy.
Administrator Signature [signature] Date 5/10/21

BUDGET OFFICER COMPLETES THIS SECTION

[checked] The Budget Officer has no objection to the filling of the vacancy.
[ ] The Budget Officer objects to the filling of the vacancy.
Budget Officer Signature [signature] Date 5/13/21

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice
[checked] The committee has no objection to the filling of the vacancy.
[ ] The committee objects to the filling of the vacancy.
[ ] In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
[ ] In the case of an emergency, Committee Chair objects to the filling of the vacancy.
Ranking Committee Member Signature C. Leggett verbally approved [signature] Date 5/26/21

## LEGAL CLERK

**DISTINGUISHING FEATURES OF THE CLASS:** An incumbent in this class is responsible for performing a variety of moderately complex clerical assignments in a municipal legal or legal services office. Duties include reviewing, processing, indexing, digitizing and filing various legal documents while utilizing a full range of skills in the operation of computer programs and databases. The incumbent is expected to independently perform duties in accordance with a prescribed set of office policies and procedures. Supervisors are available for consultation on unusual problems and to provide instruction on new or difficult assignments. Work is performed under general supervision of a higher level supervisor. Does related work as required.

**TYPICAL WORK ACTIVITIES:** (Illustrative only)

Processes, indexes, scans, sorts and/or maintains confidential legal records and files necessary for the operations of the office;

Performs various general clerical support functions to enhance the operation of the office;

Assists in the preparation of various legal documents and correspondence;

Prepares routine legal forms in accordance with standard office policies and procedures;

Forwards copies of legal instruments to interested parties as needed;

Conducts routine correspondence and answers telephone requests on assigned matters where policy and procedures are well defined;

Handles routine telephone calls relating to assigned tasks or matters;

Examines and indexes a variety of legal instruments relating to civil and/or criminal matters;

Types a variety of records and reports relating to the indexing and recording procedure;

Uses computer applications or other automated systems such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments;

May act as receptionist;

Does related work as assigned.

**FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:** Working knowledge of legal terminology, documents and legal services office procedures; working knowledge of office terminology, working knowledge of business english and spelling, ability to understand and follow oral and written instructions; ability to get along well with others, ability to maintain confidentiality of sensitive information, cases and files; accuracy; neatness; tact and courtesy.

**MINIMUM QUALIFICATIONS:** Graduation from high school or possession of a high school equivalency diploma and two years of full-time, paid clerical experience, one of which shall have been in a law office or related field.

**NOTE:** Study in a New York State registered or regionally accredited college or university in a law or criminal justice related field may be substituted for experience on a year for year basis.

WC: 2/1993, 10/2019

JC: Competitive

## *RESOLUTION REQUEST FORM NO. 5*

### *Request to Apply for a Grant Application and Grant Agreement*

DEPARTMENT NAME: **District Attorney**

DATE: **May 24, 2021**

- (a) Purpose of Grant:  
**To accept award/apply for Aid to Prosecution Grant**
  
- (b) Name of Grantor:  
**New York State Division of Criminal Justice Services**
  
- (c) Address of Contractor: **80 South Swan Street  
Albany NY 12210**
  
- (d) Grantor's Contact Person and Telephone Number:  
**Katelyn Mallick, Ph. (518) 457-3776**
  
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? **Yes, Grant Award Notice and Contract Instruction Sheet is attached.**
  
- (f) Effective Date of Grant: **April 1, 2021**
  
- (g) Termination Date of Grant: **March 31, 2022**
  
- (h) Total Dollar Amount Involved (not to exceed): **\$38,172.00**
  
- (i) Deadline to Submit Grant Application and/or Grant Agreement:  
**June 4, 2021**
  
- (j) Is a Budget amendment required? **No** If yes, also complete and submit Form No. 7.
  
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? **No** If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
  
- (i) Is a Local Share Required? **No** If Yes, Where are the Funds? List Budget Code, Object Code, Full Title\* and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount:

Sample: A.1010 470 Legislative Board – Contract \$xx.xx  
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

\*as listed in budget and LOGOS



**Division of Criminal  
Justice Services**

**ANDREW M. CUOMO**  
Governor

**MICHAEL C. GREEN**  
Executive Deputy Commissioner

**JEFFREY P. BENDER**  
Deputy Commissioner

## Grant Award Notice

Grantee/Contractor: Warren County District Attorney	Date: May 5, 2021
Program Name: Aid to Prosecution	Award Amount: \$38,172
Agency Head Name and Title: Jason Carusone District Attorney	Term Dates: April 1, 2021 – March 31, 2022
Email: carusonej@warrencountyny.gov	Project ID No.: AP21-1057-D00
SFS Vendor ID No.: 1000002438	Contract No.: T445286
Additional Information:  This funding is provided for the Aid to Prosecution grant program. A DCJS Public Safety Grants Representative will contact your office to assist with the development of the grant contract. Please see the attached Contract Instruction Sheet for additional contract information and note that items are required within 30 days of receiving this letter.	
The award amount listed above is contingent upon the availability of appropriations, as well as execution of the grant contract by the Attorney General and the Office of the State Comptroller. If you have any questions on this award, please contact a grant representative listed below :	
<b><u>Questions:</u></b>	
Jason Tillou Public Safety Grants Representative 2 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 485-2729 or <a href="mailto:jason.tillou@dcjs.ny.gov">jason.tillou@dcjs.ny.gov</a>	Katelyn Mallick Public Safety Grants Representative 1 NYS Division of Criminal Justice Services Office of Program Development and Funding (518) 457-3776 or <a href="mailto:Katelyn.mallick@dcjs.ny.gov">Katelyn.mallick@dcjs.ny.gov</a>

Congratulations on your award. DCJS looks forward to working with you on this important project.  
Attachment (1)



**Division of Criminal  
Justice Services**

**DCJS Office of Program Development and Funding  
2021-22 Aid to Prosecution - Contract Instruction Sheet**

Please note and complete the following information within 30 days of receiving the award letter to further facilitate the development of your contract:

- Ensure all prior year contracts are in compliance with contract conditions (up-to date progress reports, vouchers, fiscal cost reports and detailed itemization forms).
- Grantees receiving in excess of \$25,000 must submit:
  - Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301)
  - Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309)

These forms can be located at:

<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

- Grantees receiving in excess of \$250,000 must also submit the Local Assistance MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300). This form can be located at:  
<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>
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## ***RESOLUTION REQUEST FORM NO. 4***

### ***Request for Extending, Rescinding or Amending Existing Contract***

**DEPARTMENT NAME: District Attorney**

**DATE: May 24, 2021**

- (a) Purpose of Contract Change: **Amend resolution 96 of 2020 to remove the cap of \$5,000.00**
- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract: **96 of 2020**
- (c) Name of Contractor: **New York Prosecutors Training Institute, Inc.**
- (d) Address of Contractor: **107 Columbia Street, Albany NY 12210**
- (e) Contractor's Contact Person and Telephone Number: **Susan Valle 518-432-1100**
- (f) Commencement Date of Extension: **N/A**
- (g) Termination Date of Extension: **N/A**
- (h) Payment Provisions:
  - i) lump sum amount
  - ii) hourly rate amount
  - iii) total amount not to exceed
  - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.
- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title\* and Amount: **OR Capital Project OR Capital Reserve Project Number, and Title, and Amount: **A.1165 470 Contract****

**Sample: A.1010 470 Legislative Board – Contract \$xx.xx  
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx**

\*as listed in budget and LOGOS

# Warren County Board of Supervisors

## RESOLUTION NO. 96 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS SEEBER, LEGGETT, BEATY, DIAMOND, DRISCOLL, MCDEVITT AND SHEPLER

AMENDING RESOLUTION NO. 374 OF 2019, AUTHORIZING AGREEMENT WITH THE NEW YORK STATE PROSECUTORS TRAINING INSTITUTE TO PROVIDE DIGITAL STORAGE FOR FILES IN THE PROSECUTOR CASES MANAGEMENT SYSTEM, TO INCREASE THE NOT TO EXCEED AMOUNT

WHEREAS, pursuant to Resolution No. 374 of 2019, the Chairman of the Board of Supervisors was authorized to execute an agreement with the New York Prosecutors Training Institute, 107 Columbia Street, Albany, New York 12210, to provide digital storage for files in the Prosecutor Cases Management System for a total amount not to exceed One Thousand Three Hundred Twenty Dollars (\$1,320), and

WHEREAS, the District Attorney has requested that the agreement be amended to increase the not to exceed amount to Five Thousand Dollars (\$5,000), now, therefore, be it

RESOLVED, that Resolution No. 374 of 2019 be, and hereby is, amended to increase the not to exceed amount of the agreement with the New York State Prosecutors Training Institute to Five Thousand Dollars (\$5,000), commencing upon execution by both parties and terminating upon thirty (30) days written notice by either party, in a form approved by the County Attorney, and be it further

RESOLVED, other than the changes outlined herein, all other terms and conditions of Resolution No. 374 of 2019 will remain the same.

## II. LICENSING, TECHNICAL SUPPORT, DATA, AND TRAINING

### NYPTI will:

- A. Provide a license for DA to use PCMS/DEMS.
- B. Provide the DA with PCMS/DEMS technical support and up to two days of training by telephone, email, in person, or by remote assistance, as deemed appropriate by the parties.
- C. Notify the DA of any improvements and enhancements made to PCMS/DEMS and provide appropriate technical support and web-based training regarding the changes, if the DA requests.
- D. Occasionally perform planned and unplanned maintenance on PCMS/DEMS. NYPTI will provide notice to the DA if maintenance is expected to cause an interruption in PCMS/DEMS service. Notice will typically be by a post on the PCMS/DEMS login screen or by e-mail.
- E. Make all reasonable efforts to ensure that PCMS/DEMS is operational during normal business hours.
- F. Invoice the DA yearly for base storage with quarterly invoices for increased data storage amounts according to the schedule in Section V.

### DA will:

- A. Provide NYPTI with regular feedback and information about PCMS/DEMS and any customization(s) of PCMS/DEMS the DA creates.
- B. Enter all relevant data and ensure that DA staff enters data properly to maximize the DA's use of PCMS/DEMS. The DA understands that accurate and complete data is required to maximize PCMS/DEMS features and reports. Regarding this data:
  - i. The DA data entered in or uploaded to PCMS/DEMS remains the DA's data. The DA is solely responsible for the quality and integrity of the data input in PCMS/DEMS.
  - ii. The DA is responsible for supplying relevant information that may be in PCMS to meet discovery obligations and other legal requirements.
  - iii. The DA may use the report generation tools of PCMS/DEMS or arrange with NYPTI to receive a copy of their data to use with other reporting tools. Special data requests may result in increased cost to the DA.
- C. Send appropriate DA staff to regular PCMS/DEMS training sessions to help DA get the most out of PCMS/DEMS and to provide NYPTI with useful feedback.
- D. Be able to use but not rely exclusively on document templates provided by NYPTI in PCMS/DEMS and not consider these templates as substitutes for the DA's own independent review, research and thoughtful consideration.

### III. SECURITY AND INTEGRITY

NYPTI and the DA agree to make all reasonable efforts to maintain the security and integrity of PCMS/DEMS. The parties further agree that any confidential information concerning the PCMS/DEMS program learned by either party will remain confidential and not be shared with anyone outside NYPTI and the DA. To help ensure system security:

- A. NYPTI will employ 256-bit encryption (on cloud-based applications), two-factor authentication, and take all reasonable steps to authenticate PMCS users and secure PCMS/DEMS from unwanted users.
- B. Implement detailed server logging to detect intrusions, identify application updates, and help NYPTI identify issues.
- C. NYPTI has made reasonable efforts to secure its premises (including 24/7 video surveillance and alarm systems) to secure all NYPTI servers and computers. NYPTI hosts applications on cloud servers outside NYPTI.
- D. DA will take all reasonable efforts to secure its premises and devices that access PCMS/DEMS.
- E. DA agrees to maintain the confidentiality of all information concerning NYPTI's operation, procedures, policies, and systems.
- F. NYPTI and the DA will work together to train users on best practices for maintaining security.
- G. NYPTI and the DA will each regularly update their own computer systems to ensure the latest security patches are in place.
- H. The DA is responsible for supporting any and all questions from police/non-DA users who access DEMS and knows NYPTI will not support or answer PCMS/DEMS questions from police and non-DA users.

NYPTI uses Amazon Web Services to host PCMS and DEMS in the cloud. For questions about uptimes/durability of data see: <https://aws.amazon.com/eks/sla/> and <https://aws.amazon.com/legal/service-level-agreements/> and

### V. USAGE CHARGES

#### Data Storage

NYPTI has instituted the following two-tiered cost structure for data storage. In addition to data storage, NYPTI's pricing also includes the costs related to system administration, data processing, e-discovery tools, data security, and future enhancements.

For jurisdictions with populations under 500,000, NYPTI will charge \$110.00 per month for each terabyte (TB) of data stored in DEMS (see below for sample pricing tiers). NYPTI is working toward a lower cost storage solution that may lower the DA costs for content stored in DEMS for more than a year. Archiving content will be DA's responsibility.

Minimum Data	Maximum Data	Monthly Cost
0 GB	999.99GB	\$110
1.0 TB	1.99 TB	\$220
2.0 TB	2.99 TB	\$330

NYPTI anticipates that storage and application processing costs for counties with populations of 500,000 or more will be higher because of additional server and processing requirements but currently lacks sufficient data to determine pricing for these counties.

#### Automated Computer Transcription:

Automated computer transcription is an optional service in DEMS. Accuracy of computerized transcription depends on the quality of the files and clarity of the speakers. Generally, if you can't understand the speaker in a recording neither will the computer. The accuracy of computerized transcription is typically about 50% and should be used only as a starting point of a full and accurate transcription. It can be used to search for key words in a recording.

Multi-media transcription services are priced in one-hour increments. DA must pre-pay at a rate of \$500 for 150 hours of transcription. Transcriptions services will be suspended when a DA has 5 hours remaining of their pre-paid transcription.

#### VI. PAYMENT FOR USAGE

NYPTI will invoice the DA on a yearly basis for DEMS services under this MOU, beginning September 1, 2019 based on the current amount of storage being used in DEMS and the DA shall, within 40 business days, pay NYPTI the invoiced amount. NYPTI will also bill quarterly when DA's storage exceeds initial allotment and the DA must pay these invoices within 40 days.

NYPTI reserves the right to turn off access to the DA's cloud storage for lack of payment.

If the DA chooses to terminate DEMS services, or requires additional copies of their data, the DA will pay NYPTI the additional costs of bulk downloading, which NYPTI does not currently know but expects to cost about \$250 per TB.

#### VII. WARRANTY, LIABILITY, AND TERMINATION

##### Warranty

NYPTI provides PCMS/DEMS on an "as is" basis, and the DA uses PCMS/DEMS at its own risk. NYPTI makes no warranties, expressed or implied, and disclaims and negates all other warranties. Further, NYPTI does not warrant that PCMS/DEMS will be error free. NYPTI is not responsible for the contents of any sites linked from PCMS/DEMS and the DA uses these sites at his or her own risk. Including a link in PCMS/DEMS does not imply NYPTI endorses that site.

##### Liability

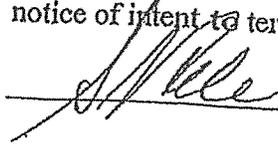
Neither party will be liable under any contract, tort, negligence, strict liability, or other theory for any incidental, consequential, indirect, exemplary, punitive, or special damages of any nature, in each case

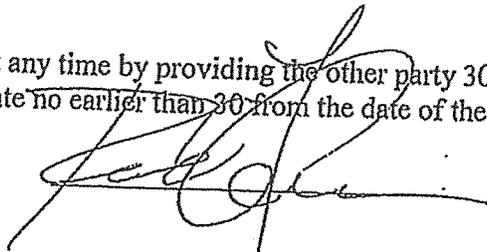
whether or not such losses were foreseeable by such party. NYPTI shall not be liable for any damages (including, without limitation, damages for loss of data, or due to business interruption,) stemming from using or the inability to use PCMS/DEMS, even if NYPTI is notified of the possibility of such damage.

The DA agrees to defend, indemnify and hold NYPTI, its directors, officers, members, employees, and contractors harmless from any and all third-party claims, liabilities, losses, damages, expenses, or causes of action, including, without limitation, reasonable legal fees and expenses arising from or in connection with the DA's use of PCMS/DEMS.

**Termination**

This MOU may be terminated by either party at any time by providing the other party 30-days written notice of intent to terminate with an effective date no earlier than 30 from the date of the notice.

  
\_\_\_\_\_

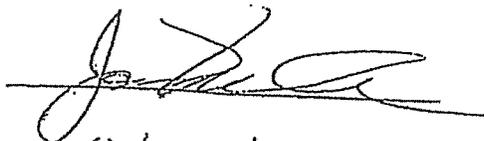
  
\_\_\_\_\_

Date: September 10, 2019

Date: 9-29-19

Susan Valle  
NYPTI Executive Director

Ronald F. Conover  
Chairman, Warren County Board of Supervisors

  
\_\_\_\_\_

Approved as to Form:

  
\_\_\_\_\_

Date: 9/06/19

Jason Carusone  
District Attorney

Warren County Attorney

## Contract Review Certification Form



Department Head or Designee:

I, Jason Carusone, do hereby certify that I, or my designee (*please list designee name below if applicable in the comments section*), has read the attached contract and that the contract accurately reflects services to be provided by the Contractor and is correct to the best of my knowledge, with the exception of certain legal clauses more appropriately certified to by the County Attorney.

Initial: JWC Date: 5/05/21

Comments/Concerns (if applicable): \_\_\_\_\_

*Note: These comments will be reviewed by the County Attorney's office and by the Chair of the Board of Supervisors prior to signing the authorization for the contract listed below.*

Purchasing (only completed below if applicable):

I, Julie Butler  / Jason Shpur  do hereby certify that I have read the attached contract and that all relative bid/RFP information is correct and accurate to the best of my knowledge.

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

Comments/Concerns (if applicable): N/A

**Mandatory: to be filled out by the County Attorney Please fill out #1-5 prior to sending this form electronically to Department/Purchasing**

(1) Department	District Attorney
(2) Contract Name	NYS Prosecutors Training Institute
(3) File Number	1059-A-045
(4) Service Start Date	April 2, 2021
(5) Authorizing Resolution #	96 of 2020
Attorney who reviewed the contract	Robert Terwilliger
Summary of Contract	Amendment to reduce usage charges

County Attorney:

I, Mary Kissane  / Robert Terwilliger  / Ryan Dickey , do hereby certify that I have read the attached contract and that the contract accurately reflects the terms contained in the resolution passed by the Warren County Board of Supervisors and referenced in the chart above. I further certify that I have reviewed all the legal clauses not certified to by the individuals above. Any comments listed by the department, purchasing and County Attorney's on this form have not been altered. Any further questions/concerns etc. have been documented below or in the summary of the contract section in the chart if applicable. Based upon my review of the contract we have determined this contract is legally appropriate for the Chair's signature.

Initial: RT Date: May 5, 2021

Robert Terwilliger

Please use additional space if needed

## Amendment to NYPTI's 2019 PCMS/DEMS Memorandum of Understanding

The Warren County District Attorney's Office (County) and the New York Prosecutors Training Institute, Inc (NYPTI), parties to a 2019 Memorandum of Understanding entitled: LICENSE, COOPERATION, CONFIDENTIALITY, SERVICE-LEVEL AGREEMENT, AND TERMS OF USE FOR PCMS/DEMS (the "Agreement") are amending the Agreement as follows:

### USAGE CHARGES

Grant funds NYPTI received from the New York State Division of Criminal Justice Services (DCJS), enables NYPTI to reduce usage charges for the Counties. The reduced usage charges beginning April 1, 2021 are:

\$50/month per terabyte (TB) of active data and \$10/month per TB of archived data stored in DEMS, with a minimum annual usage cost of \$1,200. NYPTI uses a blended rate data calculation formula to determine County annual usage. This formula will be reviewed and billed annually.

NYPTI is also providing up to 1,000 hours of automated computer transcription services for multi-media files in DEMS from April 1, 2021 through March 31, 2022. If County already paid for transcription services, County will get a credit of that amount in the DEMS bill sent with this amendment.

Except as stated above, the terms of the Agreement remain the same. If there is any conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

For NYPTI:

Signature: *Susan Valle*

Name: Susan Valle

Title: Executive Director

Date: 05-03-2021

For the County:

Signature: *Rachel E. Seeber*

Name: Rachel E. Seeber

Title: Chair of the Board

Date: 5/3/21

Approved as to Form:

*Matthew Tenzler*  
Acting Warren County Attorney

**Board of Directors**

Hon. William J. Fitzpatrick, Chair  
Hon. J. Anthony Jordan  
Hon. Madeline Singas  
Hon. John J. Flynn  
Hon. Michael E. McMahon



Hon. Sandra Doorley,  
DAASNY President  
Susan L. Valle,  
Executive Director

Hon. Jason Carusone  
1340 State Route 9  
Lake George, NY 12845

April 30, 2021

As per our MOU with the Warren County District Attorney's Office we are requesting payment for your county's utilization of NYPTI's Digital Evidence Management System (DEMS). This billing is based on your storage on April 1, 2021. NYPTI uses a blended rate data calculation formula to determine County annual usage through December 31, 2021.

Total Cost of Storage Utilized	\$ 3,780
Less Transcription Prepaid	\$ <u>0</u>
<b>Total Amount Invoiced</b>	<b>\$ 3,780</b>

Please submit payment to: New York Prosecutors Training Institute, Inc.  
107 Columbia Street  
Albany, NY 12210  
Attn: Jody LaLone

NEW YORK PROSECUTORS TRAINING INSTITUTE

107 COLUMBIA STREET • ALBANY, NEW YORK 12210-2707 • 518-432-1100

PROVIDING CONTINUING LEGAL EDUCATION AND MUTUAL ASSISTANCE TO NEW YORK STATE PROSECUTORS

# RESOLUTION REQUEST FORM NO. 12

Schedule "A"

## NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

### DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No: 5.0  
Title of Position: 6th Assistant District Attorney Base Salary of Position: \$ 66,563.00 Grade: 2  
Filling at Step # (If Known): \_\_\_\_\_  
Budget code and title: A.1165 110 Salaries - Regular Union  Non-Union   
This position is vacated due to:  Retirement  Resignation  Termination  Promotion  Other  
Employee No./Last Name: 13405/Jones Date of Vacancy: May 21, 2021  
Is this position mandated?  Yes  No Is the position reimbursable?  Yes  No  
Source of reimbursement:  Federal \_\_\_\_\_%  State \_\_\_\_\_%  Other \_\_\_\_\_%

BOS amend salary to reflect this amount.  
D. Kelly

### CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list  Competitive-no list (*hiring would be provisional*)  Non-Competitive  Other Exempt  
Actual Impact to Budget Report will be provided monthly by Human Resources Director.  
Candidate's qualifications must be approved by Personnel Officer prior to hiring. PCN 5/19/21  
Human Resources Director has approved this form when initialed. AT 5/20/21

### COUNTY ADMINISTRATOR COMPLETES THIS SECTION

The Administrator has no objection to the filling of the vacancy.  
 The Administrator objects to the filling of the vacancy.  
Administrator Signature [Signature] Date 5/20/21

### BUDGET OFFICER COMPLETES THIS SECTION

The Budget Officer has no objection to the filling of the vacancy.  
 The Budget Officer objects to the filling of the vacancy.  
Budget Officer Signature Frank E. Thomas Date 5/21/21

### SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice  
 The committee has no objection to the filling of the vacancy.  
 The committee objects to the filling of the vacancy.  
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.  
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.  
Ranking Committee Member Signature C. Leggett verbally approved Date 5/20/21

# RESOLUTION REQUEST FORM NO. 12

Schedule "A"

## NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

### DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No: 5.0  
Title of Position: 7th Assistant District Attorney Base Salary of Position: \$ 66,563.00 Grade: 2  
Filling at Step # (If Known): \_\_\_\_\_  
Budget code and title: A.1165 110 Salaries - Regular Union  Non-Union   
This position is vacated due to:  Retirement  Resignation  Termination  Promotion  Other  
Employee No./Last Name: 13417/Smith Date of Vacancy: May 21, 2021  
Is this position mandated?  Yes  No Is the position reimbursable?  Yes  No  
Source of reimbursement:  Federal \_\_\_\_\_%  State \_\_\_\_\_%  Other \_\_\_\_\_%

### CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list  Competitive-no list (*hiring would be provisional*)  Non-Competitive  Other Exempt  
Actual Impact to Budget Report will be provided monthly by Human Resources Director.  
Candidate's qualifications must be approved by Personnel Officer prior to hiring. Par 5/19/21  
Human Resources Director has approved this form when initialed. JA 5/20/21

### COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.  
 The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 5/20/21

### BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.  
 The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E Thomas Date 5/21/21

### SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice

- The committee has no objection to the filling of the vacancy.  
 The committee objects to the filling of the vacancy.  
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.  
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature C. Leggett Verbeek Date 5/26/21

Approved [Signature]

# RESOLUTION REQUEST FORM NO. 12

Schedule "A"

## NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

### DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No: 5.0  
Title of Position: 8th Assistant District Attorney Base Salary of Position: \$ 66,563.00 Grade: 2  
Filling at Step # (If Known): \_\_\_\_\_  
Budget code and title: A.1165 110 Salaries - Regular Union  Non-Union   
This position is vacated due to:  Retirement  Resignation  Termination  Promotion  Other  
Employee No./Last Name: \_\_\_\_\_ Date of Vacancy: May 21, 2021  
Is this position mandated?  Yes  No Is the position reimbursable?  Yes  No  
Source of reimbursement:  Federal \_\_\_\_\_%  State \_\_\_\_\_%  Other \_\_\_\_\_%

### CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list  Competitive-no list (*hiring would be provisional*)  Non-Competitive  Other \_\_\_\_\_  
**Actual Impact to Budget Report will be provided monthly by Human Resources Director.**  
**Candidate's qualifications must be approved by Personnel Officer prior to hiring.** Ray 5/19/21  
Human Resources Director has approved this form when initialed. JS 5/20/21

### COUNTY ADMINISTRATOR COMPLETES THIS SECTION

- The Administrator has no objection to the filling of the vacancy.  
 The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 5/20/21

### BUDGET OFFICER COMPLETES THIS SECTION

- The Budget Officer has no objection to the filling of the vacancy.  
 The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 5/21/21

### SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice

- The committee has no objection to the filling of the vacancy.  
 The committee objects to the filling of the vacancy.  
 In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.  
 In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature C. Leggett verbally approved [Signature] Date 5/20/21

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an existing funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a new position. For complete instructions on the procedure to be followed, see the reverse of this form.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department: District Attorney Payroll Dept. No: 5.0
Title of Position: Legal Clerk #1 Base Salary of Position: \$30,520.00 Grade: 5
Filling at Step # (If Known):
Budget code and title: A.1165 110 Salaries Regular Union [X] Non-Union [ ]
This position is vacated due to: [ ] Retirement [X] Resignation [ ] Termination [ ] Promotion [ ] Other [ ]
Employee No./Last Name: 13122/Fox Date of Vacancy: May 24, 2021
Is this position mandated? [ ] Yes [X] No Is the position reimbursable? [ ] Yes [X] No
Source of reimbursement: [ ] Federal [ ] State [ ] Other [ ]

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

[ ] Competitive-active eligible list [X] Competitive-no list (hiring would be provisional) [ ] Non-Competitive [ ] Other
Actual Impact to Budget Report will be provided monthly by Human Resources Director.
Candidate's qualifications must be approved by Personnel Officer prior to hiring.
Human Resources Director has approved this form when Initialed. [Signature] 5/13/21

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

[X] The Administrator has no objection to the filling of the vacancy.
[ ] The Administrator objects to the filling of the vacancy.

Administrator Signature [Signature] Date 5/14/21

BUDGET OFFICER COMPLETES THIS SECTION

[X] The Budget Officer has no objection to the filling of the vacancy.
[ ] The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature Frank E. Thomas Date 5/17/2021

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice
[ ] The committee has no objection to the filling of the vacancy.
[ ] The committee objects to the filling of the vacancy.
[X] In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
[ ] In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature C. Leggett approved by Lemaire [Signature] Date 5/14/21