

Health and Public Safety Committee of the Common Council
August 27, 2020 at 7:00 PM
Meeting Agenda
Via Teleconference

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.



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Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Deanna D'Amore at ddamore@norwalkct.org to provide written public comment prior to the meeting.

Agenda

- I. Welcome and Roll Call
- II. Approval of the June 25, 2020 Meeting Minutes
- III. Public Participation
- IV. New Business

Action Items

Police Department

- 1a. Authorize the Mayor, Harry W. Rilling to execute any and all documents necessary to apply for and accept grant funds from the Department of Justice under the FY2020 Edward Byrne Memorial Justice Assistance Grant, in the amount of \$33,741.00.
- 1b. Authorize the Police Chief, Thomas E. Kulhawik to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement all programs through the FY2020 Edward Byrne Memorial Justice Assistance Grant pursuant to such grant funding.
- 2. Authorize the Mayor, Harry W. Rilling to execute any and all agreements, documents or amendments as may be necessary to accept and implement the LiveScan Device Transfer Agreement between the State of Connecticut Department of Emergency Services and Public Protection and the Norwalk Police Department.

Discussion Item

Health Department

- 1. Grant Funding for Enhanced Detection, Response, Surveillance and Prevention of COVID-19

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**HEALTH AND PUBLIC SAFETY COMMITTEE OF THE COMMON COUNCIL
JUNE 25, 2020 AT 7:00PM.
VIA TELECONFERENCE**

ATTENDANCE: Nick Sacchinelli, Chairman; Dominique Johnson; Thomas Keegan; Lisa Shanahan; George Tsiranides; Manny Langella; David Heuvelman

STAFF: Deanna D'Amore, Director of Health; Deputy Chief Zecca, Norwalk Police Department; Asst. Chief Chris King, Norwalk Fire Department; Michelle Deluca, Deputy Director, Emergency Management

I. WELCOME - ROLL CALL

Mr. Sacchinelli called the meeting to order at 7:00 p.m. and stated that the above members were in attendance and there was a quorum present.

II. APPROVAL OF MAY 28, 2020 MINUTES

**** MR. TSIRINIDES MOVED TO APPROVE THE MINUTES AS SUBMITTED
** PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

There was no public participation this evening.

IV. NEW BUSINESS

FIRE DEPARTMENT

**1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN
AGREEMENT ON BEHALF OF THE FIRE DEPARTMENT TO SEAGRAVE FIRE
APPARATUS LLC FOR THE PURCHASE OF A 100 FOOT LADDER TRUCK. NOT TO
EXCEED \$1,350,000. ACCOUNT NO. 0920310 5777 CO437**

Mr. Tsirinides asked if this truck will replace the current truck. Asst. Chief King said “yes” and it will be replacing truck 1 at the Broad River Fire Station. Mr. Sacchinelli asked if the price includes outfitting the truck with the equipment that is needed. Asst. Chief King said it includes some of the equipment and some will be transferred from the truck 1.

****TSIRINIDES MOVED TO APPROVE THE ITEM
** THE MOTION PASSED UNANIMOUSLY.**

POLICE DEPARTMENT

2A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR THE SUPPLY, INSTALLATION, AND SERVICE OF RADIO SYSTEM DISPATCH CONSOLE EQUIPMENT FOR THE POLICE AND FIRE RADIO SYSTEM, PRICING AS PER STATE OF CONNECTICUT MASTER CONTRACT #A-99-001 AND # 967-A-23-0338C, FOR AN AMOUNT NOT TO EXCEED \$895,184; FROM ACCOUNT NO. 09203620-5777-CO638 AND REMAINDER FROM ACCOUNT #01013071 5262.

2B. AUTHORIZE CHIEF THOMAS KULHAWIK TO EXECUTE CHANGE ORDER(S) TO THE ABOVE AGREEMENT FOR THE AMOUNT NOT TO EXCEED \$32,743. ACCOUNT NO. 09203620-5777-CO638 AND REMAINDER FROM ACCOUNT #01013071 5262.

Deputy Chief Zecca said this is for the replacement of the console in the dispatch center and the currently equipment is obsolete at this point.

**** MR. KEEGAN MOVED TO APPROVE THE ITEM
** THE MOTION PASSED UNANIMOUSLY.**

V. OLD BUSINESS

A. COVID-19 UPDATES

Ms. D'Amore said we continue to see a downward trend in the slowdown in cases in Norwalk and the State of Connecticut, but are paying very close attention to what is going on in other areas of the country where they are seeing a lot of increases. We are very pleased and feel so fortunate to see the positive changes that are happening in Connecticut and the surrounding states. She thanked all the committee members, the businesses and organizations, elected officials and the Mayor for his great leadership for being health advocates and setting the tone for our community. She said it is very important that we stay on top of everything and remember how we got to where we are including the face coverings, physical distancing etc. which will continue to have us to have lower cases.

Ms. D'Amore provided an update at the state level and said the Governor has announced a regional approach with New York and New Jersey and there is now criteria that has been set at the state to require a 14 day quarantine for anyone that is returning from any of the states that have higher cases to keep the cases down in Connecticut and our region. Mr. Heuvelman asked how that will be monitored. Ms. D'Amore said it is a voluntary process but as far as she knows there is not an expectation that the local health departments will be following up with each of the individuals.

Ms. D'Amore said we continue to increase the testing capacity and are working with our partners on testing within our community. She provided an update on the phase II of the reopening plan and said that they continue to visit the food establishments both for outdoor dining and indoor dining. She said they have found the businesses are willing to implement the guidelines but it is a huge learning curve and education and enforcement has been the main approach for the Health Department to make sure people are aware of the guidelines and continue to follow up on complaints and to be proactive on the enforcement.

Ms. DeLuca said we continue to have our bi-weekly EOC meetings and are looking at continuity planning for what may happen come the fall. She said they are also working with the school district on the high school graduations plan and they are looking at a drive through model and there is a meeting to next week to solidify what those plans might look like. The State PPE program for small businesses has ended but she is still receiving requests and have been very fortunate with our donations so as those calls come in she has been able to meet all the needs and has put away supplies for the disaster trailer in case there is a hurricane or other tropical storm in the fall, and to also have a good supply should we have an increase in cases in the fall. Mr. Tsirinides asked if there is any concerns with the camps starting. Ms. D'Amore said the Office of Early Childhood at the state is responsible for regulating and permitting the private camps so they will be the ones who will be responsible for overseeing the different programs that are running. She said she can ask the State Health Department if they can provide additional details on what that process is going to look like. Mr. Tsirinides asked if there are any concerns that they would like the committee to assist with. Ms. DeLuca said so far she has not received any requests for PPE but her concern is that they do not have enough PPE for any kind of summer programs where they would be using more than one mask per day. Mr. Heuvelman asked if we will be supplying PPE for the city run camps. Ms. DeLuca said she will contact Mr. Roberts to see what their communication has been with the families and what they will be purchasing or looking to purchase for PPE, but Parks and Recreation has been very good about getting PPE for their programs. Mr. Sacchinelli requested that once she receives the information to circulate it to the committee.

Mr. Heuvelman asked if we will be affected by the federal government pulling the funding for the drive through testing and the ability to continue to the testing. Ms. D'Amore said she has not heard anything specific to Connecticut and its impact.

Ms. DeLuca said along with the Health Department will be doing a summer safety campaign for information on extreme heat safety and the reinforcement of the existing Covid-19 messages.

Ms. DeLuca provided an update on the changes to the shelters in case there is an emergency and said she has put aside PPE for the shelter, and the Red Cross has typically managed the shelter for us in partnership with the city and have had some conversations with them about their guidance and the important piece will be messaging. She said it is a concern because it changes our entire model of how we shelter for a disaster. Mr. Sacchinelli asked if temperatures will be taken as people come in or if there is a quarantine protocol for those that have symptoms. Ms. DeLuca said that they will need to look at a space in another part of the school as an isolation area, and are also looking at for the individuals that have tested positive or are symptomatic be

placed in the hotels and not at the shelter. She said there will also be logs taken with the temperatures for anyone coming in and out of the shelter.

Ms. DeLuca said she is hoping to do a disaster exercises within the city or the region as a tabletop exercise.

Mr. Sacchinelli said if anyone on the committee receives complaints regarding fireworks to have them call the police department at (203) 854-3000.

Ms. D'Amore said we have been experiencing a higher than normal water demand and asked that people be mindful of their water use.

Mr. Sacchinelli said that the committee appreciates the visibility that staff has provided the committee and thanked them for all of the work they have been doing and thanked staff on behalf of the committee.

ADJOURNMENT

**** MS. SHANAHAN MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:40

Respectfully submitted,

Dilene Byrd
Telesco Secretarial Services

Norwalk Police Department
Professional Standards Unit

Memo

To: Common Council

From: Lieutenant Thomas Roncinske

Date: August 21, 2020

Re: Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant Authorization

With the 2020 Edward Byrne Memorial Justice Assistance Grant the City is allocated \$33,741.00 under this program. There is a no matching funds requirement. The funds will be used for high visibility policing, selective enforcement patrols and violent crime prevention. The authorizations requested are as follows:

1. Authorize the Mayor, Harry W. Rilling to execute any and all documents necessary to apply for and accept grant funds from the Department of Justice under the FY2020 Edward Byrne Memorial Justice Assistance Grant, in the amount of. \$33,741.00
2. Authorize the Police Chief, Thomas E. Kulhawik to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement all programs through the FY2020 Edward Byrne Memorial Justice Assistance Grant pursuant to such grant funding.

Program Narrative

City of Norwalk

Problem: The Norwalk Police Department has an authorized strength of 181 officers and continues to strive to maintain full staffing levels. Half of the Patrol Division's 120 officers have 10 years or less police experience. In conjunction with being below strength the demand for police services remains high, stretching our manpower resources. Be it addressing issues as mundane as speeding, traffic violators, requests for foot patrols in neighborhoods, or the other extreme, gang members shooting at each other. The Norwalk Police Department sometimes has challenges delivering services in a timely manner and does not meet its commitment to the citizens and community to protect and keep them secure. With grant assistance, the Norwalk Police Department will be able to provide the services that the citizens of Norwalk expect and deserve.

Norwalk has 88,816 residents living in 22.86 square miles, ranking Norwalk the sixth largest city in the state by population. The population density is approximately 3,865 per square mile, on average. The percentage of people identifying as white or Caucasian is 51.7%, as Hispanic or Latino 27.9%, as Black or African American 14.3% and as Asian 5.2%, with the balance identifying as more than one and "other." Norwalk has a higher minority population than the state average, with 24.9% of the population being foreign born. A significant portion of the minority populations reside in the urban areas of Norwalk, along the transportation corridors and in South Norwalk, though most neighborhoods reflect some diversity.

Median household income for Norwalk residents is \$82,474.00, substantially above the state average. In contrast, 9.7 % of Norwalk's residents live below the poverty level. Historically, South Norwalk has been home to the most impoverished residents, with a high concentration of public housing, Section 8 recipients and households with minimum wage earners. Within South Norwalk is the SONO District with high end restaurants and night clubs, upscale apartments and condominiums, which highlights some of the disparity within our community.

Project design and implementation:

The funding will be used primarily for High Visibility Patrols and Selective Enforcement Patrols in the core of South Norwalk, but not excluding the suburban areas. The area contains seven residential complexes managed by the Norwalk Housing Authority (which the Norwalk Police Department works with on a daily basis), two magnet schools, Norwalk's only homeless shelter, the South Norwalk Train Station and the Sono District, all within approximately two square miles. Most of the residential structures in this area are multi-family and low income. This border for this core area can be defined by Martin Luther King Drive on the west side, Ann Street to the north, Water Street on the east side and Meadow Street/Wilson Avenue on the south. Within this area has been the majority of Norwalk's gang fighting and criminal activity.

There are well defined and smaller areas of concern and focus. Colonial Village a medium low income NHA residential complex has a disproportionate amount of gang and violent crime. This area includes Suncrest Road and one block of West Cedar Street.

The Norwalk Housing Authority working closely with the Norwalk Police Department had eradicated gang members from the properties through eviction but that does not stop them from returning to the neighborhood and committing drug crimes and illegally using firearms to assault each other. The gang members seem to have an allegiance to where they were born but no longer live and carry on turf wars for turf that isn't theirs. It is not uncommon to find that most of the gang members reside outside of Norwalk.

The Special Services street team is a select group of officers who share a desire and vision to remove guns from the street, diminish if not remove gang influence in the neighborhoods, maintain a working knowledge of the gang membership and determine their where-about and activity. The street team members are culled from the Patrol Division. They work 40 hours per week which includes every weekend and holiday. Grant funding would be used to supplement the team's hours for special events where gang activity is expected and following shootings,

which is usually followed by retaliatory shootings. The grant will not be used to backfill for the officers.

The measurement of their success can be at two levels. The first is the seizure of illegal handguns or handguns and illegal drugs from convicted felons and gang members and arrests. Running cross checks of property seizures and officer identification numbers would make this a simple task. The narrative measurement would be based on the level of gang activity or lack thereof as reported by the street team and the Special Services supervisors.

The street team is a temporary assignment unit within Special Services that has been used in the past and has proven capable of addressing the issues. The team operates year round but expands and contracts as need requires. The officers are selected based on their strong work ethic, abilities to abide by the laws while taking enforcement action, and delivering positive results.

Problem: Traffic enforcement

The traffic enforcement aspect of the project does not have as well a defined area. The majority of traffic complaints come from citizens in residential neighborhoods that have a high number of young children, a school, playground or park nearby and the complaints seem to be seasonal, i.e. from the end of school year, through summer and into the start of the school year. This coincides with fewer officers for enforcement since they too have family and vacation in summer. The Norwalk Police Department has a small, three motorcycle traffic enforcement unit that normally responds to traffic complaints with a focus on specific locations for a measured period of time, be it hours or a few days of consistent enforcement.

The State Department of Transportation has made grant funding available for enforcement of seat belt use, DUI and distracted driving, with very limited enforcement time and constraints. There are no grants to cover the expense of sending a team of officers out to send the same enforcement message to speeders.

Implementation of increased speed enforcement would focus on the end and start of the school year. Norwalk has 19 public schools that serve 11,000 students. The Community Services Division usually has media coverage to bring awareness of safe

driving to the motoring public that coincides with “slow down days,” the enforcement of speed limits in residential areas and around schools. The measure of success is the number of violators cited (infractions issued) and a reduction in the number of complaints. In the past the Norwalk Police Department has used several officers at multiple locations in the effort to protect the children from injury or death from speeding motorists with a significant impact on speeding.

Problem: Policing

All police departments have had to deal with the realization of budget limitations, cost saving measures and streamlining for efficiency. That being said a police department can't pick and choose what and when to respond to calls for service in their effort to limit overtime. They will because they can't close the police department. The problem is having the discretionary funds available when need to satisfy the needs and concerns of the community.

The implementation would be limited to meet unforeseen spikes in crimes such as a crime spree of robberies or specific target crime such as burglarizing contractor vehicles and construction sites at night. Or it could be used to address recent protests or civil unrest. There could be a scenario where a surveillance team may be used to determine a suspect, or an increase in foot patrol officers as a deterrent to crime. Proven policing strategies but requiring supplemental manpower for unexpected incidents that the citizens would want addressed. Having the capability to expand police services when needed would lead to an increase in productivity. Measurement of success would vary depending upon the need.

Budget Detail Worksheet and Budget Narrative

City of Norwalk

<u>Personnel</u>	\$33,741.00
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482 hours @ \$70.00

We are requesting to use the entire grant funding of \$33,741.00 for high visibility patrols and selective enforcement patrols. This will provide approximately 482 hours of additional patrols. High visibility patrols will be used for increased police presence in areas requiring a higher concentration of police officers while not diminishing police services elsewhere in the City of Norwalk. High visibility patrols would also be used for special community events. Selective enforcement of motor vehicle laws would be used to address “slow down days” at the start and end of the school years and to enforce speeding in school zones during the school year.

Abstract

City of Norwalk

High Visibility and Selective Enforcement Patrol Project

Project Identifier: Traffic Enforcement

Problem: Increased calls for service has decreased the time for officers to enforce traffic laws, yet the major complaint to the Mayor, Chief and City Hall is traffic violations and a disregard for traffic safety and laws. The grant would allow for overtime hires of officers with the specific assignment of motor vehicle enforcement in areas with complaints.

Goal: To increase selective enforcement of motor vehicle laws to gain increased compliance to those laws, resulting in safer streets for pedestrians, motorist & bicyclists.

Project Identifier: Violent Crime

Problem: Despite a continuing and proactive effort by the Norwalk Police Department, in particular the Special Services Division there is a continued use/possession of illegal firearms in Norwalk. The murder rate has declined but the release of violent gang members into the community is an ongoing concern.

Goal: To increase police presence with High Visibility patrols and an identifiable street team in areas of both handgun presence and violence to specifically focus on the illegal use of handguns in Norwalk.

Project Identifier: Gangs

Problem: Norwalk saw a steady decline in the past decade of teenage gang members who were on the fringe of the Bloods and Crips gangs. Gang members are being released into the community after serving prison sentences and many are returning into the gangs. The gangs in Norwalk continue to identify with and take their names from the geographical areas where they previously lived, or their parents lived, despite having no current links to those neighborhoods anymore,

such as “Money Green” or “MG” for the Meadow Gardens Housing Project or “261” for Roodner Court. This has created a major sense of fear in those neighborhoods that have been reclaimed by law abiding citizens and have not seen gang activity in a decade.

Goal: To use the Special Services Street Team to focus on the gang members and illegal narcotics within the limits of the laws and at the same time provide uniformed officers from Patrol and Community Policing Unit to join with the citizens and neighborhood leaders to foster a closer working relationship with a common goal of maintaining a safe neighborhood and environment to live and work in.

Project Identifier: Crime Prevention

Problem: While it incumbent of a police department to address the major complaints, i.e. traffic, or the high profile violent crimes involving guns and gang members, there is the ever ongoing lower level crime being perpetrated that also needs addressing. While the day to day enforcement, prevention and investigation is covered by the annual operating budget with some overtime allowed for there comes times when added manpower is needed to address a spike or crime spree with specific a target. Norwalk has experienced in the past 2 years several spikes in motor vehicle burglary and motor vehicle theft. While many view these crimes as property crimes they do cause alarm and concern for the citizens and business. Both of the examples have occurred under the cover of darkness.

Goal: To have the capability of hiring teams of officers to conduct surveillance with the ability to react to and direct a response to any crime in progress.

Project Identifier: Policing

Problem: The Norwalk Police Department has not seen an increase in budget that reflects the increased demands of a police department in these challenging times. Norwalk is now dealing with the demands of COVID-19 and protests. Though

Norwalk can pride itself on having a good reputation and is held in high regard by the citizens, those citizens still want to see a police presence, a cop on every corner so to speak. The Department makes every effort to work within the budget and to cut unnecessary costs. The Chief has to go before the Common Council, our governing body, on an annual basis to address the need for extra funding to cover overtime expenses. The Council authorized the 2019 overtime request to fulfill regular policing duties and responsibilities that could not be foreseen in the previous budget request process, but not without hesitation.

Goal: To continue policing in the most effective, professional manner, when demand outweighs available manpower and dollars.

Zecca, Susan

From: Weisgerber, Arthur
Sent: Monday, August 24, 2020 11:12 AM
To: Dominique Johnson; Langella, Manny; Dumas, Ernie; Shanahan, Lisa; Keegan, Tom; Sacchinelli, Nicholas; Tsiranides, George
Cc: Kulhawik, Thomas; Zecca, Susan; Walsh, James
Subject: MOU for new LiveScan Vender/Equipment for Police Department
Attachments: LiveScan Device Transfer MOU July 30 2020.doc

Dear Members of the HWPS Committee,

I have attached a copy of the MOU sent to the Police Department from the Department of Emergency Services and Public Protection (DESPP) for your review per the Norwalk Corporation Counsel. The Corporation Counsel requested that this MOU go through your committee and the Common Council prior to being signed by the Mayor.

In short, the State of CT and the DESPP maintain all criminal records and criminal fingerprints for the State. They also contract with the vendor that runs the LiveScan fingerprint system used by every police department in the State. Each department was initially supplied with a LiveScan fingerprint machine and over the years would lease a new machine as needed. The current vendor is the Thales Group which was originally Cogent 3M.

The State of CT has ended their contract with the Thales Group (Cogent) and will be using a new LiveScan vendor, IDEMIA, beginning on February 1st, 2021. Since this is a mandatory vendor change initiated by the State of CT, there is no charge to the individual departments for the new LiveScan equipment and there appears to be a small fee for the individual Report Management Systems (RMS) of each department to update code for the RMS to communicate with the new LiveScan equipment and transmit the booking information and the fingerprints to the State electronically. Basically, the system will operate the same to book an arrestee, just a new vendor and new machines.

If there are any questions or if I need to be present at a meeting to explain this further, please let me know.

Sincerely,

Lt. Art Weisgerber
Crime Scene / I.D. Unit
Norwalk Police Department
One Monroe Street
Norwalk, CT 06854
(203) 854-3164 – Direct
aweisgerber@norwalkct.org



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



LiveScan Device Transfer Agreement
by and between
the State of Connecticut Department of Emergency Services and Public Protection
and
POLICE DEPARTMENT NAME

WHEREAS, the State of Connecticut Department of Emergency Services and Public Protection (hereinafter "DESPP"), operates a central Automated Fingerprint Identification System (hereinafter "AFIS"); and is an agency of the State of Connecticut, and POLICE DEPARTMENT NAME, is a municipal, independent police department of the City/Town of _____ (hereinafter "PD"), and

WHEREAS, **DESPP** will be transferring LiveScan devices to many municipal police departments in order to ensure connection and data interoperability with the **Connecticut On-Line Law Enforcement Communications Teleprocessing System (hereinafter ("COLLECT"))** and new data storage interfaces and systems; and

WHEREAS, PD must ensure that such devices and related equipment meet CJIS Security requirements pursuant to their valid, fully executed **COLLECT and Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS) Criminal Justice Information** (hereinafter "CJI") **User Agreement for Criminal Justice Agencies (hereinafter "CJIS User Agreement")** with DESPP; and

WHEREAS, DESPP is responsible for maintaining a repository of criminal history record information in accordance with Connecticut General Statutes (C.G.S.) Section 29-11; and

WHEREAS, the twelve (12) month warranty under the LiveScan contract associated with the new DESPP storage interface system will transfer to PD and begins when the new DESPP storage interface system goes live; and

NOW, THEREFORE, DESPP and PD, by and through their Commissioners or other authorized individuals, enter into this Agreement to permit PD to accept full title of the LiveScan devices upon delivery. transferring to PD all of DESPP's and the State's right, title and interest in and to the LiveScan device(s), free and clear of all liens or encumbrances.

1. Effective Date and Duration. This Agreement shall be effective upon signature by both parties and shall result in a full transfer of title upon such signature.

2. Authority to Enter Agreement. DESPP is authorized to enter into this agreement through the Commissioner of the Department of Emergency Services and Public Protection, pursuant to the authority provided under C.G.S. § 4-8.

3. DESPP Responsibilities. DESPP shall:

- a) Provide resident State Police troops with a replacement LiveScan device or devices to replace LiveScans currently being used to submit fingerprints to the DESPP AFIS system.
- b) Provide LiveScan devices to municipal and/or independent police departments to replace LiveScan devices used to submit fingerprint transactions electronically into the State Police AFIS system.
- c) Obtain CJIS Security approved data center configurations for connections with cloud storage for the devices to be transferred to PD.
- d) Arrange for transport of the LiveScan device(s) to the PD via the originating company. Audit PD as needed to ensure compliance with the FBI CJIS Security Policy (hereinafter "CJIS Security Policy") and DESPP internal requirements on system security.
- e) Remove access to the COLLECT and AFIS systems via the PD's LiveScan device(s) if any of the PD responsibilities in Section 5 are found to be derelict, pursuant to the Town's CJIS User Agreement.

4. PD Responsibilities. PD shall:

- a) Maintain a valid CJIS User Agreement with the COLLECT Unit.
- b) Arrange for delivery acceptance and installation of the LiveScan device(s) on a agreeable date with DESPP.
- c) Assume title, rights, and interest of LiveScan device upon delivery and installation..
- d) Assume any and all cyberliability for necessary software or security patch upgrades after title is transferred.
- e) Assume all risk of loss.
- f) Arrange for adequate equipment insurance policies associated with protection of the LiveScan device(s).
- g) Ensure compliance with PD CJIS User Agreement, CJIS Security Policy, and any applicable DESPP technology security standards and guidance. Ensure maintenance and interoperability of all LiveScan devices and equipment to CJIS standards outlined in the PD's CJIS User Agreement, at risk of removal from the COLLECT and AFIS systems.

Violations of the CJIS User Agreement and/or CJIS Security Policy can result in the suspension or termination of system access for PD, individual suspension or termination of access to CJI, criminal and/or administrative investigation, arrest, and/or prosecution and conviction for violation of state and federal statutes designated to protect confidentiality and integrity of CJI and related data.

5. Indemnification. The PD shall indemnify, defend and hold harmless the State and its officers, representatives, agents, servants, employees, successors and assigns from and against any and all (1) Claims arising, directly or indirectly, in connection with the MOU, including the acts of commission or omission (collectively, the "Acts") of the PD; and (2) liabilities, damages, losses, costs and expenses, including but not limited to, attorneys' and other professionals' fees, arising, directly or indirectly, in connection with the MOU. PD shall use counsel reasonably acceptable to the State in carrying out its obligations under this section. PD shall not be responsible for indemnifying or holding the State harmless from any liability arising due to the negligence of the State or any other person or entity acting under the direct control or supervision of the State. The Parties acknowledge and agree that nothing in the MOU shall be construed as a modification,

compromise or waiver by the State of any rights or defenses of any immunities provided by Federal law or the laws of the State of Connecticut to the State or any of its officers and employees, which they may have had, now have or will have with respect to all matters arising out of the MOU. To the extent that this section conflicts with any other section, this section shall govern.

6. Executive Orders. This MOU is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill, promulgated June 16, 1971, concerning labor employment practices, Executive Order No. Seventeen of Governor Thomas J. Meskill, promulgated February 15, 1973, concerning the listing of employment openings, Executive Order No. Sixteen of Governor John G. Rowland, promulgated August 4, 1999, concerning violence in the workplace, Executive Order No. 14 of Governor M. Jodi Rell, promulgated April 17, 2006, concerning procurement of cleaning products and services, in accordance with their respective terms and conditions; and Executive Order No.49 of Governor Dannel P. Malloy, promulgated May 22, 2015, which mandates disclosure of gifts to public employees and campaign contributions to candidates for statewide public office or the General Assembly for state contracts valued at more than \$50,000, all of which are incorporated into and are made a part of the MOU as if they had been fully set forth in it.

7. Modification or Amendment of the Agreement. This Agreement may not be modified or amended unless in writing signed by an authorized representative of both parties.

8. The following documents are incorporated by reference and made part of this MOU:
- a. PD CJIS User Agreement;
 - b. CJIS Security Policy;
 - c. National Crime Prevention and Privacy Compact, 42 U.S.C. Section 14616; and
 - d. Title 28, Code of Federal Regulations, Parts 20 and 25, Section 50.12, and Chapter IX.

THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

By: _____
James C. Rovella (Date)
Commissioner
Duly Authorized Pursuant to C.G.S. Section 4-8

PD _____

By: _____
Printed Name: (Date)
Chief of Police
Duly Authorized