

George Latimer
County Executive

May 13, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is a proposed Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County"), acting by and through its Department of Social Services and District Attorney's Office, to enter into a Memorandum of Understanding ("MOU") with the United States Attorney's Office for the Southern District of New York, the Federal Bureau of Investigation, Homeland Security Investigations, the New York State Department of Labor, the International Organization for Adolescents, My Sisters' Place and the Town of Pound Ridge, through its police department, for the purpose of memorializing the roles and responsibilities of the co-chairs of the Westchester County Anti-Trafficking Task Force (the "Task Force").

The Task Force was founded in 2010 in response to a prominent case of human trafficking in Westchester county in which local author Joseph Yannai was sentenced to a term of imprisonment of 11 years following his conviction after trial for enticing women to travel to the United States from abroad so that he could commit sex crimes against them, forced labor, and several immigration crimes. The case was jointly prosecuted by the United States Attorney's Office for the Eastern District of New York and the Westchester County District Attorney's Office. Recognizing the need for close collaboration to prevent and address human trafficking, the Task Force brings together more than 65 service providers and law enforcement agencies from across Westchester to develop a coordinated response to human trafficking across the county. Since 2010, the Task Force has held quarterly meetings, spearheaded the training of hundreds of law enforcement personnel, social service providers, child protection staff, among others to identify and respond to cases of human trafficking; created a multi-agency protocol for coordinating anti-trafficking cases and responses; and worked together on numerous proactive investigations.

Among other things, each party to the MOU will support the overall mission of the Task Force to conduct proactive victim-centered trafficking investigations; to determine the array of restorative services which should be granted to meet each victim's individual needs; to support the prosecution of trafficking crimes on state and federal levels; to help conduct training and public awareness activities that enhance community capacity to identify trafficking crimes and determine whether the assisting party can provide culturally appropriate, trauma informed services to all trafficking victims identified within the geographic region.


It should be noted that since the Town of Pound Ridge, through its Police Department, is a signatory to the MOU, I have been advised that section 119-o of the New York General Municipal Law requires authorization from your Honorable Board before the County may enter into this agreement.

There will be no cost to the County for its participation in the MOU. The term of the MOU will commence upon full execution of the MOU and will remain in effect until September 30, 2025, or upon the agreement of the parties. The MOU may be extended by mutual written agreement of the parties, subject to any necessary County legal approvals. In addition, any party upon 30 days written notice to the other party may terminate the MOU.

The Planning Department has advised that the proposed MOU does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

The County's membership in the Task Force will enable it to prevent and combat human trafficking across Westchester County through seamless multi-disciplinary collaboration that is driven by the needs and desires of survivors. I therefore strongly recommend that your Honorable Board adopt the annexed Act.

Sincerely,



George Latimer
County Executive

GL/LGT/MR/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending adoption of an Act that, if approved, would authorize the County of Westchester (“County”), acting by and through its Department of Social Services and District Attorney’s Office, to enter into a Memorandum of Understanding (“MOU”) with the United States Attorney’s Office for the Southern District of New York, the Federal Bureau of Investigation, Homeland Security Investigations, the New York State Department of Labor, the International Organization for Adolescents, My Sisters’ Place and the Town of Pound Ridge, through its police department, for the purpose of memorializing the roles and responsibilities of the co-chairs of the Westchester County Anti-Trafficking Task Force (the “Task Force”).

Your Committee is advised that the Task Force was founded in 2010 in response to a prominent case of human trafficking in Westchester county in which local author Joseph Yannai was sentenced to a term of imprisonment of 11 years following his conviction after trial for enticing women to travel to the United States from abroad so that he could commit sex crimes against them, forced labor, and several immigration crimes. The case was jointly prosecuted by the United States Attorney’s Office for the Eastern District of New York and the Westchester County District Attorney’s Office. Recognizing the need for close collaboration to prevent and address human trafficking, the Task Force brings together more than 65 service providers and law enforcement agencies from across Westchester to develop a coordinated response to human trafficking across the county. Since 2010, the Task Force has held quarterly meetings, spearheaded the training of hundreds of law enforcement personnel, social service providers, child protection staff, among others to identify and respond to cases of human trafficking; created a multi-agency protocol for coordinating anti-trafficking cases and responses; and worked together on numerous proactive investigations.

Among other things, each party to the MOU will support the overall mission of the Task Force to conduct proactive victim-centered trafficking investigations; to determine the array of restorative services which should be granted to meet each victim’s individual needs:

to support the prosecution of trafficking crimes on state and federal levels; to help conduct training and public awareness activities that enhance community capacity to identify trafficking crimes and determine whether the assisting party can provide culturally appropriate, trauma informed services to all trafficking victims identified within the geographic region.

Your Committee is advised that because the Town of Pound Ridge, through its police department, will be a signatory to the MOU, section 119-o of the New York General Municipal Law requires authorization from your Honorable Board before the County may enter into this agreement.

There will be no cost to the County for its participation in the MOU. The term of the MOU will commence upon full execution of the MOU and will remain in effect until September 30, 2025, or upon the agreement of the parties. The MOU may be extended by mutual written agreement of the parties, subject to any necessary County legal approvals. In addition, any party upon 30 days written notice to the other party may terminate the MOU.

The Planning Department has advised that the proposed MOU does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of the Board is required for approval of the attached Act.

The County's membership in the Task Force will enable it to prevent and combat human trafficking across Westchester County through seamless multi-disciplinary collaboration that is

driven by the needs and desires of survivors. Accordingly, your Committee most respectfully requests your Honorable Board's approval of the attached Act.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

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AN ACT authorizing the County of Westchester, acting by and through its Department of Social Services and District Attorney's Office, to enter into a Memorandum of Understanding with the Town of Pound Ridge and other partners, for the purpose of memorializing the roles and responsibilities of the co-chairs of the Westchester County Anti-Trafficking Task Force.

BE IT ENACTED by the Board of Legislators of the County of Westchester, by an affirmative vote of a majority of the voting strength of said Board, as follows:

Section 1. The County of Westchester ("County"), acting by and through its Department of Social Services and District Attorney's Office, is hereby authorized to enter into a Memorandum of Understanding ("MOU") with the United States Attorney's Office for the Southern District of New York, the Federal Bureau of Investigation, Homeland Security Investigations, the New York State Department of Labor, the International Organization for Adolescents, My Sisters' Place, and the Town of Pound Ridge, through its police department, for the purpose of memorializing the roles and responsibilities of the co-chairs of the Westchester County Anti-Trafficking Task Force (the "Task Force"), in a form substantially similar to the instrument attached hereto.

§2. There will be no cost to the County for its participation in the MOU. The term of the MOU will commence upon full execution of the MOU and remain in effect until September 30, 2025 or upon the agreement of the parties. The MOU may be extended by mutual written agreement of the parties, subject to the further approval of your Honorable Board. In addition, any party upon 30 days written notice to the other party may terminate the MOU.

§3. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Act.

§4. This Act shall take effect immediately.

George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

Derrick Hinds
Deputy Commissioner

Westchester County Anti-Trafficking Task Force

MEMORANDUM OF UNDERSTANDING (MOU)

Between and among the United States Attorney's Office for the Southern District of New York; the Westchester County District Attorney's Office; the Federal Bureau of Investigation (FBI), Homeland Security Investigations (HSI), the Pound Ridge Police Department, My Sisters' Place, Westchester County Department of Social Services, the International Organization for Adolescents (IOFA), and the New York State Department of Labor.

History/Description of the Westchester County Anti-Trafficking Task Force: The Westchester County Anti-Trafficking Task Force (Task Force) was founded in 2010 in response to a prominent case of human trafficking in Westchester county in which local author Joseph Yannai was sentenced to a term of imprisonment of 11 years following his conviction after trial for enticing women to travel to the United States from abroad so that he could commit sex crimes against them, forced labor, and several immigration crimes. The case was jointly prosecuted by the United States Attorney's Office for the Eastern District of New York and the Westchester County District Attorney's Office. Recognizing the need for close collaboration to prevent and address human trafficking, the Task Force brings together more than 65 service providers and law enforcement agencies from across Westchester to develop a coordinated response to human trafficking across the County. Since 2010, the Task Force has held quarterly meetings, spearheaded the training of hundreds of law enforcement personnel, social service providers, child protection staff, among others to identify and respond to cases of human trafficking; created a multi-agency protocol for coordinating anti-trafficking cases and responses; and worked together on numerous proactive investigations.

Mission: The mission of the Westchester County Anti-Trafficking Task Force is to prevent and combat human trafficking across Westchester County through seamless multi-disciplinary collaboration that is driven by the needs and desires of survivors.

Task Force Vision: The Westchester County Anti-Trafficking Task Force envisions:

- A swift and coordinated criminal justice response to human trafficking, in which perpetrators are held accountable and in which the rights of victims of trafficking under New York and federal law are protected;

- A comprehensive network of high-quality services for victims of trafficking that all victims can access as soon as they are identified in the community or by law enforcement; and
- Systemic collaboration between service providers and law enforcement towards the common goal of preventing and combating human trafficking in our community.

Task Force Goals:

1. Conduct proactive investigations of human trafficking crimes within Westchester County in coordination and collaboration with local, state, regional, and federal law enforcement and regulatory agencies and social service providers.
2. Identify victims of all forms of human trafficking within Westchester County and offer a comprehensive array of restorative services to meet each victim/survivor's individualized needs.
3. Support the prosecution of trafficking crimes on state and federal levels.
4. Enhance community capacity to prevent, identify and report trafficking crimes by conducting training, public awareness, and outreach activities.

Task Force Leadership: The Task Force Co-Chairs are the United States Attorney's Office for the Southern District of New York, the Westchester County District Attorney's Office, Westchester County Department of Social Services/Safe Harbour Program, My Sisters' Place, the Pound Ridge Police Department, the New York State Department of Labor, the Federal Bureau of Investigation (FBI) and Homeland Security Investigations (HSI). The International Organization for Adolescents (IOFA) serves as a co-chair, facilitator and special advisor to the Task Force.

Task Force Members: Current Task Force Members include The Children's Village, Department of Homeland Security (DHS)/Homeland Security Investigations (HSI), Federal Bureau of Investigation (FBI), Gateways Program, Jewish Child Care Association (JCCA), Hispanic Resource Center, Hudson River Healthcare, Hudson Valley Justice Center, International Organization for Adolescents (IOFA), LifeWay Network, Mt. Kisco Police Department, Mt. Vernon Police Department, My Sisters' Place, New Rochelle Police Department, New York State Office of the Attorney General, Neighbors Link, New York State Police (NYSP), Northern Westchester Junior League, NYS Bureau of Refugee & Immigrant Assistance (BRIA), Office of Temporary & Disability Assistance (OTDA), NYS Department of Labor (NYS DOL), Pace Women's Justice Center, Peekskill Police Department, Port Chester Police Department, Pound Ridge Police Department, Putnam/Northern Westchester Women's Resource Center, U.S. Attorney's Office (USAO), U.S. Department of Labor (US DOL), Westchester County Association of Police Chiefs, Westchester County Department of Probation, Westchester County Department of Public Safety, Westchester County Department of Social Services (DSS), Westchester County District Attorney's Office, Westchester County Family Justice Center (FJC), Westchester County Office for Women, WestCOP/Victim Assistance Services (VAS), White Plains Police Department, Yonkers Police Department, Yorktown Police Department, and Westchester Medical Center. Membership is by application and new members will be added as identified.



Purpose: The purpose of this MOU is to formally recognize the commitment to partnership and collaborative work and dedication of key Task Force leaders and partners to preventing and addressing human trafficking in all of its forms throughout Westchester County from a trauma-informed, victim/survivor centered approach and to clearly define roles, responsibilities, and responses to human trafficking by key Task Force leaders and partners.

Authority

This agreement is authorized under the provisions pursuant 6 U.S.C. § 112(b)(2), ICE Delegation Order 0001, dated June 6, 2003, and HSI Delegation Order 10001.1, dated June 3, 2011, all other applicable DHS/ICE delegation orders.

(1) Definitions

Human Trafficking:

Under federal law, sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, soliciting, or advertising of a person for the purpose of a commercial sex act by force, fraud, coercion, or abuse of law or legal process, or in which the person induced to perform such act has not attained 18 years of age. Under federal law, forced labor is the provision or obtaining of a person for labor or services, through the use of force, coercion, or abuse of law or legal process.

Enhanced Collaborative Model:

A program through the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) and Office for Victims of Crime (OVC) which provides funding under a joint solicitation to support an enhanced anti-human trafficking law- enforcement task force and victim-service model designed to identify, rescue, and assist victims of human trafficking within the United States. This program furthers the DOJ's mission by enhancing the law enforcement and social service field's response to human-trafficking victims.

(2) Responsibilities

Each party to this agreement agrees to support the overall mission of the task force to conduct proactive victim-centered trafficking investigations; to determine the array of restorative services which should be granted to meet each victim's individual needs; to support the prosecution of trafficking crimes on state and federal levels; to help conduct training and public awareness activities that enhance community capacity to identify trafficking crimes and determine whether the assisting party can provide culturally appropriate, trauma informed services to all trafficking victims identified within the geographic region.

Each party agrees to, but is not limited to, provide the following services:

U.S. Attorney's Office will:

1. Serve as a co-chair of the Task Force, providing oversight and coordination of the Task Force.



2. Direct human trafficking referrals and complaints to the appropriate investigative agency where referrals are warranted;
3. Ensure availability of Assistant U.S. Attorneys, as needed, for case investigative direction and guidance toward the prosecution of human traffickers;
4. Assist with training for law enforcement and victim service agencies;
5. Attend co-chair and quarterly meetings of the Task Force.

Westchester County District Attorney's Office will:

1. Continue its prominent role as a Co-Chair of the Westchester County Anti-Trafficking Task Force, a position it has held since the Task Force formed in 2010. As co-chair of the Task Force, the DA's office will continue to provide oversight and coordination of the Task Force.
2. Direct human trafficking referrals and complaints to the appropriate investigative agency where referrals are warranted;
3. Provide an Assistant District Attorney for case investigative direction and guidance toward the prosecution of human trafficking organizations and civil rights violators as needed;
4. Assist with training, outreach and education for law enforcement and victim service agencies;
5. Attend co-chair and quarterly meetings of the Task Force.
6. Participate in data collection as required by the U.S. Department of Justice under this solicitation.

Westchester County Department of Social Services will:

1. Serve as a co-chair of the Westchester County Anti-Trafficking Task Force providing oversight and coordination of the Task Force;
2. Provide comprehensive services to victims of human trafficking and refer cases to other service provider members of the Task Force when appropriate;
3. Coordinate assistance with other social service providers when necessary;
4. Act as a liaison for victims and law enforcement entities when needed and requested;



5. Provide victims of human trafficking with information about their rights and options so that victims can make informed choices;
6. Facilitate the communication of victims' needs during investigation and prosecution with appropriate law enforcement agencies and service providers;
7. Assist with requests for the development and coordination of training;
8. Educate the community about human trafficking and the collaborative efforts of social service providers and law enforcement.

My Sisters' Place will:

1. Serve as a co-chair of the Westchester County Anti-Trafficking Task Force providing oversight and coordination of the Task Force;
2. Provide comprehensive services to victims of human trafficking and refer cases to other service provider members of the Task Force when appropriate;
3. Coordinate assistance with other social service providers when necessary;
4. Act as a liaison for victims and law enforcement entities when needed and requested;
5. Provide victims of human trafficking with information about their rights and options so that victims can make informed choices;
6. Facilitate the communication of victims' needs during investigation and prosecution to appropriate law enforcement agencies and service providers ;
7. Assist with requests for the development and coordination of training;
8. Educate the community about human trafficking and the collaborative efforts of social service providers and law enforcement.

FBI will:

1. Through the Enhanced Collaborative Model, continue to work in collaboration with members of the Task Force to investigate, identify and prosecute cases of human trafficking in Westchester County where warranted; and
2. Participate in the Task Force, a coordinated effort between federal, state, and local law enforcement authorities and non-governmental services provider organizations, which includes attendance at each of the four meetings held throughout the year.



This MOU may be amended in writing with the mutual consent of the parties hereto. Any party may be released from its obligations under this MOU by providing written notice to the other parties.

(6) Approvals

This MOU shall not be effective until signed by all parties.

(7) Entire Agreement

Except as set forth below, this MOU constitutes the sole and entire understanding of the parties hereto relating to this subject, and correctly sets forth the understanding and commitment of each party to the other parties as of its effective date. Any prior agreements, promises or representations not expressly set forth in this MOU and the instant addendum have no force or effect. This MOU shall not be modified, amended or supplemented, unless specifically agreed upon in writing by the parties. Neither this MOU, nor any subsequent addendum, will supersede any MOU's or Cooperating Agency Agreements (CCA) signed between or among the parties to this MOU that did not include every party to this MOU.

(8) Assignment

No Party shall assign this MOU without the prior written mutual consent of all other parties.

(9) Liabilities and Obligations

Any debts, liabilities and obligations of the Task Force shall be the debts, liabilities and obligations of the Task Force alone. These obligations shall not constitute debts, liabilities and obligations of any signatory to this MOU, and signatories shall have no liability for those debts, liabilities and obligations. Further, the United States shall be liable only for the acts or omissions of federal employees acting within the course and scope of their federal employment while participating in the Task Force only to the extent authorized by the Federal Torts Claim Act and other applicable federal law. HSI-NYC, as part of the United States government, is bound by federal laws including the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2401(b), and 2671-80, and the Anti-Deficiency Act, 31 U.S.C. § 1341. HSI-NYC is effectively "self-insured" under the FTCA, which provides that the United States may be sued for damage to or loss of property, personal injury, or death caused by the negligent or wrongful acts or omissions of HSI-NYC's employees while those employees are acting within the scope of their offices or employment. If individuals who suffer damage to or loss of property, personal injury, or death caused by the negligent or wrongful acts or omissions of HSI-NYC's employees while those employees are acting within the scope of their offices or employment, wish to submit a claim under the FTCA, they or their estate will contact HSI-NYC for information on how to do so.

(10) Effective Date

The terms of this agreement will become effective upon signature.

(11) Termination



HSI will:

1. Through the Enhanced Collaborative Model, continue to work in collaboration with members of the Task Force to investigate, identify and prosecute cases of human trafficking in Westchester County; and
2. Participate in the Task Force, a coordinated effort between federal, state, and local law enforcement authorities and non-governmental services provider organizations, which includes attendance at each of the four meetings held throughout the year.

Pound Ridge Police Department will:

1. Serve as a co-chair of the Task Force providing oversight and coordination of the Task Force;
2. Through the Enhanced Collaborative Model, continue to work in collaboration with members of the Task Force to investigate, identify and prosecute cases of human trafficking in Westchester County; and
3. Participate in the Task Force, a coordinated effort between federal, state, and local law enforcement authorities and non-governmental services provider organizations, which includes attendance at each of the four meetings held throughout the year.
4. Serve as liaison between the Task Force and the 45 local police departments of Westchester County and the County Police Department.
5. Assist with training for law enforcement and victim service agencies;
6. Assist with data collection; and
7. Attend co-chair and quarterly meetings of the Task Force.

The International Organization for Adolescents (IOFA) will:

1. Serve as special advisor, facilitator, and coordinator for the Task Force;
2. Assist co-chairs with quarterly meeting planning and organization including agenda development, procurement of guest speakers and trainers.
3. Assist with strategic planning and special meetings as required for the smooth operation of the Task Force;
4. Continue to facilitate the protocol development process in order to update and refine existing Task Force Guidelines and Protocols.



5. Assist with training and technical assistance needs of the Task Force.
6. Supervision of Data Collection Coordinator.
7. All aspects of Task Force Coordination.

New York State Department of Labor will:

1. Participate in the quarterly meetings of the Task Force;
2. Participate in investigations of jurisdictionally appropriate New York State Labor Law violations and identification of potential trafficking crimes using a victim-centered approach;
3. Provide appropriate referrals to direct victim services providers;
4. Participate in the development and implementation of trainings, public awareness and outreach activities, aimed at enhancing knowledge of New York State Labor Law and labor trafficking, identifying labor trafficking victims, ensuring victims are referred to appropriate service providers, and furthering the utilization of effective, victim-centered policies toward successful investigation and prosecution of labor trafficking and related crimes;

(3) Terms and Conditions

The parties agree that they will act in accordance with all federal and New York privacy laws when participating in any effort or action arising out of, or in connection, with this MOU. Where federal and New York privacy laws are inconsistent, federal law will prevail. The parties agree that only those individuals, employees, or law enforcement personnel required to carry out the purpose of this MOU will be authorized to gain access to any confidential or restricted information made available as part of this MOU. However, other law enforcement and essential agencies, such as child welfare or victim service providers not a party to this MOU, may be allowed access to information generated or produced as a result of the efforts of the Parties pursuant to this MOU if such disclosure by a Party is necessary to the investigation or prosecution of cases related to the subject matter herein and disclosure is permitted by law.

(4) Problem Resolution

The parties hereby agree to collaborate in the spirit and purpose of the MOU and the Enhanced Collaborative Model, and shall maintain a good working relationship with all of the parties. Each party shall make a good faith effort to mutually resolve any disputes that may arise out of, or in connection with, this MOU.

(5) Amendments and Cancellation



The terms of this agreement will remain in effect until September 30, 2025 or upon the agreement of the parties. The agreement may be extended by mutual written agreement of the parties. Any party upon 30 days written notice to the other party may terminate this agreement.

(12) Parties

This document may be executed in one or more counterpart signature pages, each of which shall be deemed one and the same instrument.

Signed:

by: _____ Dated: _____
Federal Bureau of Investigation (FBI)

by: _____ Dated: _____
International Organization for Adolescents (IOFA)
Jody Haskin, Interim Executive Director

by: _____ Dated: _____
My Sisters' Place
Karen Checks-Lomax, CEO

by: _____ Dated: _____
New York State Department of Labor
Mario Musolino, Executive Deputy Commissioner.

by: _____ Dated: _____
Pound Ridge Police Department
David Ryan, Chief of Police

by: _____ Dated: _____
U.S. Attorney's Office for the Southern District of New York
Perry Carbone, Chief White Plains Division

by: _____ Dated: _____
U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI)
Angel M. Melendez, Special Agent in Charge, HSI New York

by: _____ Dated: _____
Westchester County Department of Social Services
Commissioner Leonard Townes

by: _____ Dated: _____
Westchester County District Attorney's Office
Miriam Rocah, Westchester County District Attorney

