



Monroe County Legislature

RACHEL BARNHART
LEGISLATOR – DISTRICT 17

RACHEL BARNHART
LEGISLATOR - DISTRICT 17
1858 EAST MAIN STREET
ROCHESTER, NEW YORK 14609
OFFICE: (585) 753-1940
FAX: (585) 753-1946
EMAIL: RACHEL@RACHBARNHART.COM

Via Electronic Mail

John Bringewatt
Monroe County Attorney
307 County Office Building
39 W. Main St.
Rochester, NY 14614

February 2, 2025

Mr. Bringewatt,

A recent article in the *Democrat and Chronicle* again raises concerns about bypassing the Legislature on major contractual decisions. According to the January 14, 2025 report,¹ Monroe County entered into a \$15.4 million, 10-year agreement with Axon for a bundle of technology that includes software to conduct extensive surveillance and write police reports using artificial intelligence.

The *Democrat and Chronicle* previously reported² on the County's purchase of Fusus surveillance technology—now revealed as part of this bundle. When I inquired last year about why the Legislature did not vote on the \$125,000-per-year Fusus contract, your response³ cited Monroe County Code, Chapter 25.

Chapter 25-4⁴ allows the Purchasing Manager to enter installment contracts but exempts contracts for professional services, defined as requiring “special skills or training.” Monroe County’s

¹ Canne, K. (2025, January 14). Can AI write your police report? Monroe County Sheriff's Office wants to give it a try. *Democrat and Chronicle*.

<https://www.democratandchronicle.com/story/news/2025/01/14/monroe-county-sheriffs-office-uses-axon-draft-one-ai-police-reports/77673736007/>

² Canne, K. (2024, February 19). Monroe County Sheriff's Office wants to tap into video feed at your school, corner store. *Democrat and Chronicle*.

<https://www.democratandchronicle.com/story/news/2024/02/19/police-surveillance-in-monroe-county-heightened-with-new-fusus-tool/72484985007/>

³ *Exchange of Letters Regarding Fusus and Other Contracts*. Google Drive.

https://drive.google.com/drive/u/0/folders/1_ckKRCH5s0NwCn3THGIZX3s906qdBYQs

⁴ Chapter 25-4. Monroe County Code. <https://ecode360.com/11765481#11940994>

Procurement Policy⁵ further describes professional services as those necessitating substantial formal education or a relationship of personal trust and confidence with municipal officials.

If the agreement with Axon includes training, setup, configuration, maintenance, and support, these services would require a high degree of technical expertise and education on the part of the vendor. Furthermore, given the sensitive data to which Axon has access, a high level of trust must exist between the vendor and Monroe County.

Unlike Monroe County, many other municipalities across the country require legislative oversight for similar contracts with Axon. In these cases, agreements—publicly available online—conform to Axon's standard "Master Services and Purchasing Agreement" templates,⁶ which explicitly include provisions for professional services.

It appears that this contract may violate our County Code and Procurement Policy by combining a product purchase with a professional services agreement. Clearly, the professional services element should have been subject to legislative review.

I am deeply concerned that such a significant, decade-long spending commitment—with major public policy implications—was made without legislative oversight. When there is ambiguity regarding the Legislature's role—particularly in cases involving professional services—good governance dictates that the Legislature should vote.

I request a detailed written opinion explaining why the Legislature was not required to approve this agreement with Axon. Please provide your response by the end of this month.

Thank you for your attention to this matter.

Sincerely,



Rachel Barnhart – Legislator District 17

⁵ *Monroe County Procurement Policy*. Monroe County.
[https://www.monroecounty.gov/files/purch/Monroe%20County%20Procurement%20Policy%2009-09-2021%20\(002\).pdf](https://www.monroecounty.gov/files/purch/Monroe%20County%20Procurement%20Policy%2009-09-2021%20(002).pdf)

⁶ *Master Services and Purchasing Agreement for Customer*. Axon.
<https://mccmeetingspublic.blob.core.usgovcloudapi.net/jnobeachfl-meet-5ce64380972d4a15bff223b9a03b3aea/ITEM-Attachment-001-9c5a6947e63a496dabf7e3c7de698c37.pdf>