

**Public Safety Committee
January 6, 2005
2 p.m.**

Present: M. Koplinka-Loehr, G. Totman (arrived at 3:25 p.m.), B. Blanchard, L. McBean-Clairborne, M. Robertson

Legislators: N. Schuler, D. Kiefer, T. Joseph, P. Penniman

Staff: S. Whicher, Administration; P. Meskill, Sheriff; G. Dentes, District Attorney; S. Cook, County Attorney's Office; D. Wolf, Probation Department

Guests: M. Ray, D. Bentley, and M. Johnson, Local Conditional Release Program; O. Mack, OAR; C. Valentino, Town of Ithaca Supervisor; D. Barber, Town of Caroline Supervisor; R. Steincamp, WHCU;

Called to Order

Ms. Blanchard called the meeting to order at 2 p.m. She thanked the Committee for its work during 2004 and wished Mrs. McBean-Clairborne well chairing the Committee in 2005.

Changes to the Agenda

The following additions were made to the agenda:

Report from the County Attorney on the duties, responsibilities, and powers of the Commission of Correction.

Report from the Sheriff on activities relating to Commission of Correction inspections and a report on activities since the variances were withdrawn.

Ms. Blanchard requested an executive session to discuss advisory board appointments.

Local Conditional Release Program

Ms. Ray said she submitted a written report to the Committee prior to the meeting and asked if any member had questions relative to that document. Ms. Robertson said the document states that a flyer is supposed to be given to each person who is processed into the County Jail and asked when they receive that document. Ms. Ray said inmates receive that flyer after sentencing. Ms. Robertson expressed concern in the decline in the number of applicants in 2004, and stated the system doesn't seem to be working to get people through the Jail as quickly as possible. She suggested the 2005 Public Safety Committee work to establish more collaboration with the Sheriff and District Attorney to expedite applications as quickly as possible.

Sheriff Meskill expressed concern about the following conclusion no. 2:

"The Sheriff no longer provides the Probation Department with weekly reports on who is in the jail and specifics about persons newly admitted, and we believe this has delayed or interfered with information about Conditional Release getting to new inmates".

Mr. Meskill said this language is incorrect and that Probation Department staff is in the Jail every business day of the week and has access to all of the information it has always had. Mr. Wolf agreed with Mr. Meskill and said the Department is pleased with the access it has to information. Following a brief discussion, it was felt that there is a miscommunication in the sharing of information between the Probation Department and the Local Conditional Release Program and that Ms. Ray will follow-up on this.

Mr. Dentes expressed concerning about the following conclusion no. 1:

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"The District Attorney is including a clause in all plea agreements that the offender will not seek an early conditional release from jail. It is our understanding that the Commission is not bound by this clause, and we informed members of the defense bar of this fact and our work".

Mr. Dentes said all plea agreements do not contain this language; however, there are certain circumstances where the clause may be needed. He said there are some cases that conclude after a lengthy period of negotiation and to have that language in the agreement would only undermine the process that had taken place leading up to that point. He said there are many magistrates who have expressed frustration with the Local Conditional Release Program and said he would find it more helpful if the criteria for LCRP were more concrete and straight-forward.

Ms. Blanchard suggested some work needs to be done to resolve issues between these parties and that the LCRP attend a future meeting of this Committee to report back. The Committee agreed with this suggestion and asked that the LCRP report back to the Committee in a couple of months.

Update on the Alternatives to Incarceration Consolidated Service Plan

Ms. Cook, Chair of the Criminal Justice Advisory/Alternatives to Incarceration Board, explained the County receives \$26,800 in funding which pays for a half-time position with the Drug Court. The State is now doing performance-based contracting and they have submitted a list of questions that have to be answered. The purpose of this list is to remind the Criminal Justice program of its legal requirements to analyze jail population, look at existing alternative-to-incarceration programs, and prepare reports on the impact on jail population. Ms. Cook said the board is discussing how it will proceed in answering those questions; they have requested an extension to gather this information and have been granted an extension to mid-March. She said a small working group has formed and will be working on this.

Mr. Koplinka-Loehr asked that members of the Public Safety Committee receive a list of Alternative-to-Incarceration programs. Ms. Pottorff will follow-up on this.

Discussion with Intermunicipal Leaders

Mr. Barber, Town of Caroline Supervisor, thanked the Committee for allowing him to speak in detail about the issues he raised at the November 9, 2004 public hearing. He said as a Supervisor, it is obvious to him that the citizens of Caroline need more law enforcement than they are currently receiving. He noted many municipalities in Tompkins County do not have a police force. The only police services they receive are from the State Police and the Tompkins County Sheriff's Office. Mr. Barber said each municipality cannot provide police services and suggested that municipalities join together to provide this service.

Mr. Barber referred to a study that was done by the New York State Department of Criminal Justice which concluded that there need to be more deputies in the Tompkins County Sheriff's Office. He said he would like to receive more information about that study.

Mr. Barber said he would also like to accomplish the following:

- Get a better understanding of the capabilities and responsibilities of the road patrol deputies and learn whether they have a responsibility to provide law enforcement in municipalities or whether they do it just because they are in the area.
- Evaluate the law enforcement needs of each municipality.
- Establish an agreement of policy determining the level of road patrol necessary to provide safety for residents
- Create a fair and equitable funding plan for additional law enforcement positions.

Ms. Valentino agreed with Mr. Barber's statement and said this is a major concern among municipal leaders. She said everyone is willing to help work towards a common goal.

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Mrs. McBean-Clairborne suggested this issue be taken-up by the Intermunicipal Group. Mr. Joseph said that group plans to take up this issue and would expect a sub-group to be established at the meeting next week. Ms. Valentino asked that any group that looks into this report back to the Public Safety Committee on a regular basis.

Ms. Robertson asked about the contracts the Sheriff's Department has with the Town of Ithaca. Mr. Meskill said the contracts are part of a joint relationship between the Town and the Sheriff's Office to address very specific issues that the Town wants to address.

Mr. Meskill said his office is preparing copies of a staffing analysis for the meeting of the Intermunicipal Group next week. He said he is not able to be in attendance but noted that he would like to serve on the subcommittee. Mr. Meskill said traffic enforcement seems to be the primary concern and said a traffic division could be an option; however, the big issue would be funding.

This issue will be discussed at the Intermunicipal meeting on January 12th at 2:30 p.m.

Sheriff's Office/Jail

Sheriff Meskill distributed jail statistics dated December, 2005 and also a copy of the annual report the Sheriff is required to submit to the Commission of Correction dated 2000-2003. He also distributed a "Tompkins County Jail - Sheriff's Annual Report for the Calendar Year 2004". He noted that Mr. Whicher will receive the extracted files electronically very shortly.

Ms. Blanchard said all legislators should have received copies of correspondence between the County and the Commission of Correction that outline the removal of the variances at the Tompkins County Jail and reduce the allowable population of inmates to 58. Ms. Blanchard said most of the questions she has heard relate to how the original capacity of 73 is now 58.

Mr. Wood distributed copies of Law that outlines the powers and duties of the Commission of Correction. He said these are now all the powers and that there are other laws that give them additional powers. He called attention to the following language: "...promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities." They also have the power to visit, inspect, and appraise all correctional facilities, put members of their staff in a Jail to observe, have the right to approve and reject plans for construction and improvements of a jail, and they have the right to close a jail. He said they have a great deal of power, including the power to approve every transfer in and out of every prisoner. Mr. Wood said the three Commissioners are appointed by the Governor.

Mr. Wood said the County could challenge the Commission but would have to prove they acted capricious and arbitrarily. He said he would expect the Commission to present some very good arguments and it would be likely the County would lose that challenge. With respect to capacity, the maximum capacity of 73 has not changed. But the Commission has deemed the facility management is capable of managing only 58 in our Jail given the requirements of classifications.

Mr. Koplinka-Loehr said in looking at the larger picture the Commission could be doing the County a favor. By acting more stringent with the County it could save money in the long-run. He said this could be a nudge in the right direction to work harder to reduce crime and recidivism.

Ms. Robertson said the Ithaca Journal has been reporting that the County set aside \$250,000 for boardouts and the amount was actually \$400,000. *Ms. Robertson said she would like to see a copy of the reports the Sheriff is required to submit to the Commission of Correction.*

Following discussion, the Committee felt that although not pleased with the capacity figure given to the County by the Commission of 58, that more discussion needs to take place with the Commission.

Chair's Report

Ms. Blanchard had no report.

Liaison Report

Mr. Koplinka-Loehr announced the Offender Aid and Restoration Board will hold its annual meeting on April 4, 2005 from 5:30 to 7 p.m. Judge Judy Harris Kluger of New York City will be speaking on the Integrated Domestic Violence Court.

Mr. Shurtleff said a lot has been accomplished since he became Director of Emergency Response three years ago and personally thanked Ms. Blanchard and the Committee under her leadership for all of the trust given to him and the Department.

Executive Session

It was MOVED by Mrs. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to enter into executive session to discuss advisory board appointment(s) at 3:40 p.m. The meeting returned to open session at 3:45 p.m.

Approval of Appointment(s)

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the following advisory board appointment(s):

Fire, Disaster and EMS Advisory Board

David Cornelius - At-large representative; term expires December 31, 2007

Family Court Advisory Council

Louis Miler - At-large representative; term expires December 31, 2007

Joanne Conway Putrasz - Mental Health representative; term expires December 31, 2007

Approval of Minutes of December 2, 2004

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the minutes of December 2, 2004 as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 3:46 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office