

**Special Meeting
Public Safety Committee
October 2, 2002
3 p.m.
Scott Heyman Conference Room**

Present: N. Schuler, G. Totman, L. McBean, K. Herrera, B. Blanchard

Board Members: D. Kiefer

Staff: S. Whicher, K. Smithers, P. Meskill, J. Beach, L. Barnhill, G. Dentes, A. Fitzpatrick, B. Richmond, S. Robinson, Deputy Stemmetz

Call to Order/Discussion of STOP-DWI Program

The meeting was called to order at 3:05 p.m. for the purpose of discussing the structure of the STOP-DWI program. Mrs. Schuler briefly reviewed the documentation that was submitted to the Committee prior to this meeting. Those documents include: Resolution creating the STOP-DWI Program, a survey of counties' programs (current and 10/01 stand-alone survey), John Beach's 5/8/02 and 9/16/02 "Program Options" memos, and options for the program submitted by the District Attorney, Sheriff, and Probation departments.

Mr. Whicher said the announcement of Mr. Beach's retirement has presented the opportunity for discussion on the future of this program. He said he believes a program belongs closest to the program it is associated with as opposed to the Department of Administration holding various program areas. He said he also believes there should no be one-person departments. Mr. Whicher said he asked three departments to submit proposals for incorporating the STOP-DWI program into their department. The Departments of Sheriff, District Attorney, and Probation have responded with proposals which each have strengths and weaknesses. He said under the County's Charter the position of STOP-DWI Coordinator is an appointment of the County Administrator; however, a decision on the location of that program lies with the County Board.

Mrs. Schuler said in her survey of other New York State counties, she found that there are a variety of ways which other counties deal with STOP-DWI programs. In many instances it is multi-tasked with the Coordinator acting as only the administrator and the majority of dollars are distributed to various agencies who do the work. It did not appear that any two counties that are of a comparable size to Tompkins, are alike in the way this program is operated.

Mr. Beach said he would like to see the autonomy of the program maintained. He spoke the three proposals that have been submitted and stated each has strong merit. He said what has happened over the last twenty years since its creation is clearly what the State Legislature originally intended for the STOP-DWI program. It was intended that the program be a local-option program that is run in a myriad of ways throughout the State. In some counties it is run as an independent program, independent department, or housed within a large variety of other county departments. Mr. Beach said this is a good opportunity to look at the configuration of the program and determine what would be best for Tompkins County at this time.

Ms. Herrera asked to have an explanation of how the program currently operates. Mr. Beach stated the STOP-DWI program is recognized by the County's Charter to be a stand-alone, one-person Department with the Coordinator appointed by the County Administrator and independently funded by DWI fines. Because this is currently a management position, it not subject to CSEA rules. . When the program was first implemented in 1982, there was a half-time Coordinator who reported directly to the

County Administrator. In 1987, the Board moved it to a full-time position but continued that reporting structure to the County Administrator. Mr. Beach addressed his role in the disbursement of funds.

Mr. Beach spoke of the program's autonomy and said the Coordinator has always reported to the County Administrator. In some counties where the STOP-DWI Coordinator has been housed in other program areas there has been somewhat of a tendency for the program to take on the flavor of the department that it is housed in. He said in 1981, the Board of Representatives felt that to prevent those types of things from happening it should be created as a separate department so there would not be any undue influence on decision-making, particularly in the handling of funds. Mr. Beach stated historically funds have gone to the District Attorney's office and law enforcement. At various times funds have also gone to Probation, the Alcoholism Council, and several other agencies. He said at the beginning of each budget season he has discussions with these agencies to find out what their needs are for STOP-DWI funds in the coming year and prepares a budget that is structured to his best ability based on that information.

Ms. Herrera asked what the disadvantages of a stand-alone program would be. Mr. Whicher did not speak to any disadvantages; he said by restructuring the program there are potentials for synergies in addition to operating the program at a lower cost. Each one of the departments that presented proposals have very strong ways they could enhance their program as well as maintain the existing STOP-DWI program which has an annual budget of \$240,000. This amount includes \$88,000 for administration. Mr. Whicher said this is an opportunity to provide more services with less of an overhead cost. He recognized the significant efforts Mr. Beach has put into the program during the last 20 years and said it is due to that effort that it may now be possible for the program to operate on a less than full-time basis. He said although he could make a decision himself on this matter, he feels the moving of programs are value judgements and should be made by the Board.

Mr. Joseph said he has been concerned for a long time that the County has not filled the position of Criminal Justice Coordinator since it became vacant because of budgetary reasons. He said when that position was filled it made a dramatic difference in the way the criminal justice programs functioned as a system. He said while he understands the reason the position wasn't filled, he does not believe that was a good choice. He said he sees this as an opportunity to bring that position back and broadening the duties to include other programs such as the Domestic Violence Prevention and STOP-DWI programs. Mr. Joseph said this position could also actively seek grants and half of the salary could be paid for by STOP-DWI money.

Ms. Blanchard said the employee who held the position of Criminal Justice Coordinator did a fine job and brought a great amount of value to the public safety system. However, she does not feel that recreating that service right now is the right thing for the Board to do at this time. Ms. Blanchard suggested collapsing the STOP-DWI Advisory Board into the Traffic Safety Board to remove some of the administrative detail. She said she would like to see the money put on the street instead of put into offices. She said the purpose of the program is to remove people from the road who have been drinking, and in order to do that, police officers are needed. She suggested giving the money to the Sheriff's Department who is a direct service provider.

Mr. Whicher outlined program's budget and how monies are currently distributed:

The STOP-DWI program has a budget of \$232,000 of which \$88,000 is administrative expense and \$144,000 is distributed in the following manner: \$25,000 - equipment; \$18,000 - Alcoholism Council of Tompkins County; an Assistant District Attorney is funded at half-time; \$5,000 - Cooperative Extension's "Better Your Own Body" program; \$6,000 - Suicide Prevention Services; \$38,500 - law enforcement agencies.

Mr. Totman said he could not support creating a new position at this time. He said he feels this program should be absorbed into the Sheriff's Department because this can be done at no additional cost to the County.

Mrs. Schuler spoke of the conversations she had with other counties and said there are several different ways by which STOP-DWI programs are administered; however, it appears very little money is being spent on administration and the majority of funds are spent providing direct service.

Mr. Joseph spoke to Mr. Totman's comments and said he views the filling of this position as an alternative to losing two positions that are included in the current 2003 budget proposal.

Ms. Fitzpatrick offered information relating to CSEA guidelines and briefly answered questions relative to those guidelines.

Ms. McBean said she has always felt the STOP-DWI program belongs in the Sheriff's Department; however, after hearing the comments made today she now understands the other points that have been made.

At this time the Sheriff and District Attorney presented a scenario of the proposal each had submitted for operating the County's STOP-DWI program.

Mr. Meskill said the Sheriff's Department is committed to a strong Traffic Safety Program in which DWI enforcement, education, and awareness is a major focal point. He said as a former Board member and sheriff, he has consistently been a strong proponent of STOP-DWI and the various components of education, enforcement, prosecution, awareness, and treatment that make up the program.

The following summarizes the Sheriff's proposal:

- Insure the integrity of the program that has been developed over the last 20 years
- Most efficient use of available resources and staff
- Employ the existing blended skill sets of the management team and department staff
- Build and coordinate inter-municipal community and policing jurisdiction efforts in all facets of coordinating education, enforcement prosecution, awareness, and treatment
- Networking with all other program representatives, Statewide and on a National basis to explore innovative initiatives, share best practices in all program components and to successfully secure compatible grants for all traffic safety initiatives
- Establish mathematical formula for distribution of funds, develop an approved system of checks and balances to avoid real or perceived disproportionate distribution of funds.
- Effectively interact with all other traffic safety initiatives
- Solicit ideas from the STOP-DWI Advisory Board; meet less often but more intensely

Mr. Dentes, District Attorney, presented an overview of his proposal. He said the District Attorney's Office is the chief law enforcement officer in the County, and the prosecutor that handles every DWI case in the courts. The District Attorney interacts with every court and every law enforcement agency in the County, as well as Probation, and is best situated to deal evenhandedly with all the various agencies that seek assistance through the STOP-DWI program. Mr. Dentes said the Department already has a staff person who holds the position of Victim Advocate/Recovery Specialist, who is very well-suited to take on the added responsibilities of STOP-DWI Coordinator. Half of this individual's time is devoted to victim advocacy (and must remain so, as her salary is 50% funded by the New York State Crime Victims Board). In that capacity, she is already spending at least half of her victim-services time dealing with victims and restitution issues related to DWI. He said he is proposing that the remaining half of that position be occupied by the role of the STOP-DWI Coordinator. The advantage to doing this is

that the District Attorney's Office intends to increase STOP-DWI funding to the DA's Office by \$62,651, reducing the County's tax burden by that amount. This would leave a surplus of \$7,434 for funding other programs, such as extra patrols by Sheriff's deputies.

The Director of Probation was not in attendance to present that Department's proposal.

Mrs. Smithers said by law DWI monies are designated money. This money always has to be separated and cannot be co-mingled with any other department's funds. Therefore, if there is a surplus in DWI spending, it shows up as a STOP-DWI fund balance. She said the cost of Mr. Beach's early retirement would be paid directly from the STOP-DWI budget. The residual savings from working full-time for half of the year or saving half of the salary over two years will still apply because the money will still be paid for out of STOP-DWI funds.

Ms. Herrera asked Mr. Joseph to clarify the option he is proposing. Mr. Joseph said he sees this position as the Criminal Justice Coordinator, prior to it becoming a Deputy County Administrator, as having the responsibility for oversight of the Criminal Justice Coordinator position that was previously filled. This position was focused around the Criminal Justice Advisory/Alternatives to Incarceration Advisory Board, where all the various players in criminal justice, who are not just County employees, worked together. This individual functioned as a staff person to them which was very effective in getting them to work together in ways they had never done before. Mr. Joseph said this person was also very much a grant writer.

Mr. Whicher said the Criminal Justice Center is under extreme stress in this budget year. Although he does not feel the proposal is as strong as those that have been presented by the Sheriff and District Attorney, this would be one way of lending support to that program.

Ms. McBean expressed concern for placing this program within another department and she agrees it should not be placed in the Department of Administration.

A question was raised whether the Probation Department could generate State aid. It was unclear how much, if any, could be generated,

Mr. Joseph said he does not doubt any of the departments which presented proposals would run a good program. He said he sees this as an opportunity to get something back that was very valuable. Ms. Herrera asked Mr. Joseph to put his proposal in writing and distribute it to the Committee

The Committee agreed to schedule another meeting to continue discussion on this prior to completion of the budget process.

Adjournment

The meeting adjourned at 4:21 p.m.