

**Public Safety Committee
November 4, 2004
2 p.m.
Scott Heyman Conference Room**

Present: B. Blanchard, M. Robertson (arrived at 2:07 p.m.); L. McBean (arrived at 2:10 p.m.); M. Koplinka-Loehr (arrived at 3:15 p.m.)
Excused: G. Totman
Staff: L. Shurtleff, S. Whicher, W. Skinner, A. LeAmaro, K. Leinthall, J. Wood, P. Meskill, M. Pottorff
Legislators: D. Kiefer, T. Joseph
Guests: J. Buck, Jacobs Facilities; A. Tutino, Ithaca Journal

Called to Order

Ms. Blanchard called the meeting to order at 2 p.m.

Privilege of the Floor by the Public

No member of the public wished to speak.

Changes to the Agenda

A budget adjustment for the Department of Emergency Response was added to the agenda.

Chair's Report

Ms. Blanchard announced the next meeting on December 2, 2004 will be held at the Department of Emergency Response.

Report from the County Administrator

Mr. Whicher reported on this Committee's charge to the Criminal Justice Advisory/Alternatives to Incarceration Board on September 2, 2004 and stated progress is being made in moving forward with that charge. A meeting was held with stakeholders where some questions were brought up as to why this is being done, where it is going, and what the purpose is. The charge given to the CJA/ATI Board is: To develop a comprehensive analysis using existing databases to address the questions outlined in the CJA/ATI Board memo to the Public Safety Committee dated September 1, 2004.

He stated a meeting was held with the District Attorney who reviewed the flow chart and made some suggestions and supported the idea of moving forward and agreed to making data available. A meeting was also held with the Sheriff who had concerns about the use of data. Mr. Whicher said he is confident that a purely statistical approach can be taken to track offenders through the criminal justice system that protects individual identities. Mr. Whicher said he believes this can be done relatively inexpensively and in-house.

Ms. Blanchard asked if proceeding in this direction is the intention of this Committee. Ms. Robertson read from the September 2 minutes and stated there was not action by this Committee but was the consensus of a discussion that took place. Ms. Blanchard said she is very concerned about this project and particularly about 3a: "tracking offenders through the criminal justice system using identifier system that protects individual identities". She stated she is very concerned about any project that is going to track anyone through the criminal justice system. She has also been very concerned that the notion of having an inter-related database and thinks it will cost enormous amounts of money to maintain. She also said she doubts many agencies will release their database for this purpose. Mr. Whicher said agencies have already agreed to do so.

Mrs. McBean-Clairborne said she too, does not like the idea of tracking individual through the criminal justice system. However, she could not think of another way to obtain the information that is needed to develop a good and useful evaluation tool. She said she feels that she can support this because it is for a small period of time for the purpose of identifying information. Mr. Whicher said what is being proposed is not a five-year trial period, but a system that would be ongoing. He said if the Committee would like it to be for a specific period of time he would need to know that up front.

Ms. Robertson said when this was initially suggested she was not thinking of an ongoing system. Initially, she is interested in gathering information to answer a specific list of questions. She said although she is sympathetic to the concerns that have been raised relating to civil liberties and privacy, most of the population already has numbers assigned to them. She said she sees the raw data gathered from this to be used only as an internal document that would not be released to the public.

Ms. Leinthall said that she does not feel five years worth of information would produce the information that people are looking for. She said when the jail population goes up so do the populations in all of the alternative to incarceration programs, and when the numbers go down in the jail population they also go down in the programs. She agreed there needs to be an evaluation performed but believes it will need to be for longer than five years.

Mrs. McBean-Clairborne asked what the original intention of gathering this information was. Ms. Robertson said her goal was to find out what has caused the changes in the jail population. In 1997 the numbers were high and growing and recently they have been dropping. She said if Tompkins County is discussing building a \$20 million jail, we need to take a serious look at what may keep the population under the variances and minimize boardout expenses.

Mr. Joseph said he is puzzled by the concern over “tracking” because everyone in the system is already tracked by their name. He said what can’t be determined by tracking individuals is aggregate information and that is what this is about. He said we do not have information such as of the number of individuals indicted, how many are convicted and of those how many do jail time; and of people who come into the jail pretrial, how many get jail sentences. He said LaBella spent a lot of time doing a lot of data collection, answering those questions, and compared them to one particular time from the past to the time of the study. Unfortunately, there is no easy way update that information and what trends happen, which he believes is what Mr. Whicher is proposing to do. Mr. Joseph said it is important to remember that when Labella did the study, it revealed some things that surprised us. One thing learned from that study was that there was no change in the number of people going to jail, but the amount of time spent there had doubled.

Mrs. McBean-Clairborne said she can support this now for the purpose of obtaining the information referred to by Ms. Robertson and will debate the long-term issue at a later time.

Mr. Whicher asked if the CJA/ATI Board should continue with its charge as outlined and provide the Committee with ongoing status reports? Ms. Blanchard said if this is the direction the Committee would like to go she would like to know what resources and time would be committed to this in terms of ongoing maintenance for the Information Technology Services Department. Ms. Robertson said she would like as much information as possible before making a decision on the Jail. *Mr. Whicher will present the Committee with additional information at the next meeting.* Ms. Blanchard said there is a great deal of information that already exists with the Probation Department, Sheriff, Assigned Counsel, and Assigned Counsel Office and would like those sources included.

Budget Adjustment – Department of Emergency Response

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the following budget adjustment:

REVENUE:	3410.44389	Other Public Safety	\$24,978
APPROPRIATION:	3410.5400	Program Expense	\$24,978

Explanation: Project Reimbursement SEMO Grant (2003). Must now reimburse various agencies expenses and accounts

Chair's Report

Ms. Blanchard reported she and Jeff Buck met with the Commission of Correction on October 26, 2004 in Albany. At that meeting she and Mr. Buck reviewed the history of the Jail and discussed the 11-4 vote by the full Legislature to move forward with Plan B in the capital program. She explained to the Commission that the support for the project was very "soft" and tentative and that it would require 10 votes in support of the project to move it forward to construction. Ms. Blanchard said she told the Commission that she did not think the cost of completing all the design work in 2005 was something Tompkins County could afford in its 2005 budget and that the additional staffing that would be required would also be difficult to gain support for.

Following this report to the Commission, Alan Croce, Chairman of the Commission, reminded Ms. Blanchard and Mr. Buck why the Commission is insisting this project move forward. Mr. Croce said the Commission has already see the Jail population at 107 and if Tompkins County does not move forward with the project, both of the variances will be removed and will never return. The Commission explained their reasons for believing the jail population in Tompkins County will require the facility size they are supporting. They said there are reductions in the population figures in state prison and increases in population figures at local jails which have a direct correlation to state policies. The Commission believes this trend will continue and noted when State prison parolees violate their parole they will be sent to local jails and not back to State prison.

Ms. Blanchard said the meeting ended with a conclusion and recommendation from Commission staff that the variances be extended to November 26, 2004, and the conditions for extension of the variances will be outlined in a letter to Tompkins County.

Ms. Blanchard said the Commission meets next on November 23 and the full Legislature will vote on the budget on November 16. She is anticipating the Commission's letter to the County will say the variances are extended until November 26 and will request a copy of the Legislature's resolution adopting the budget and whether or not it includes funding to take the project through design development and construction documents. If it does they will grant a six-month extension of the variances.

Ms. Robertson thanked Ms. Blanchard and Mr. Buck for meeting with the Commission again. She said she does not understand why the Commission did not support the 104-bed option which she feels would have been a rational and responsible approach to the problem. Mr. Joseph said he does not find any of the information relayed by Ms. Blanchard about her meeting with the Commission surprising.

Mr. Buck said the Commission reviews a jail every twenty years and if a Jail does not have an adequate capacity in twenty years it is their fault. He said the Commission directed its staff to work with Tompkins County to produce the best staffing plan and he was shocked with the staff's recommendation of a 160-bed facility was overturned by the Commission. He said at this point the Commission is looking at Tompkins County to produce a plan for a 136-bed facility with schematic design to be submitted no later than March 31, 2005 and contract documents by the end of calendar year 2005.

Ms. Blanchard said at this point a determination needs to be made as to how much funding needs to be injected in the 2005 budget for this project.

Mr. Joseph said when the budget was being prepared a letter was received from Mr. Buck recommending that Tompkins County keep moving forward and also included a statement that for \$320,000, design work would continue and the variances would remain at least for that period of time.

Mr. Joseph referred to a statement made by Mr. Buck at this meeting and asked why that figure is now \$650,000. Ms. Blanchard said that figure includes the contract document phase. Mr. Buck stated the difference is that this amount includes two more steps, not just one. Mr. LeMaro said to go through October, 2005 it would cost \$656,700; if the contract documents for the Civil side are taken out, the amount is reduced to \$611,334.

Sheriff Meskill asked if this figure is in addition to the \$318,000 the Legislature already committed to and was told it is in addition to that amount. He said if there is not support on the Legislature to build a Jail then the County should stop now and not go any further. He does not believe the County should spend any money on this project unless the intention is to move forward and follow the project through. He said there is a good chance that any documents designed today will not be any good in a few years.

Mrs. McBean-Clairborne said she does not want to pay \$1 million for design development and contract documents for a project that will not be completed. She said if there is no possibility of negotiation further with the Commission, a final decision should be made about whether or not this project will move forward.

Mr. Buck said he would not advise the County to spend any money on additional services if there is no intention to move forward with the project.

It was MOVED by Ms. Robertson, seconded by Mr. Koplinka-Loehr, to recommend that an adjustment to the 2005 Tompkins County Budget be made that reflects a decision by this Committee to recommend to the full Legislature that the County stop design of the expanded jail and identify adjustments to the boardout and operational costs to cover additional costs that may be incurred; it was further moved that the Sheriff and County Administrator work together to analyze what other adjustments need to be made in 2005. A voice vote on the motion resulted as follows: Ayes – 2 (Koplinka-Loehr and Robertson); Noes – 2 (Blanchard and McBean-Clairborne); Excused – 1 (Totman). MOTION FAILED.

Ms. Blanchard said a member may make this motion at the November 16 Legislature meeting. She said she will not be present at that meeting and stated she cannot support this motion because of all of her efforts to negotiate in good faith with the Commission of Correction.

Approval of Minutes of July 9, September 2, and October 5, 2004

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of the July 9, September 2, and October 5, 2004 meetings as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office