

Minutes
Public Safety Committee
Thursday, December 10, 2009

Call to Order

Ms. Robertson called the meeting to order at 9 a.m.

Attendee Name	Organization	Title	Status	Arrived
Martha Robertson	Tompkins County Legislature	Chair	Present	
Michael Sigler	Tompkins County Legislature	Vice Chair	Present	9:20 AM
Carol Chock	Tompkins County Legislature	Member	Present	
James Dennis	Tompkins County Legislature	Member	Present	
Greg Stevenson	Tompkins County Legislature	Member	Present	

Staff: P. Buechel, Department of Probation and Community Justice; M. Lynch, County Administration; S. Cook, Criminal Justice Advisory/Alternatives-to-Incarceration Board; P. Meskill, Sheriff; L. Shurtleff, Department of Emergency Response; M. Pottorff, Legislature Office
Guests: D. Dietrich, OAR; S. Shackford, Ithaca Journal; K. Damm, ABIIR

Changes to Agenda

There were no changes made to the agenda.

Chair's Report

The committee scheduled the next meeting for January 14th at 3:30 p.m. Possible items to be included on the agenda are: ATI Evaluation, AED update, implications of gas drilling on public safety personnel, impact of Leandra's Law (Probation), and discussion with representatives from the Magistrates Association on the recommendations contained in the Task Force report with Probation.

Ms. Robertson reported she sent a letter to NYSAC (New York State Association of Counties) asking where the maintenance of effort issue with the Assigned Counsel Program stands but noted Legislative Director of NYSAC, Ken Crannell, is no longer in that position. Ms. Hughes said there are 2.5 weeks left in 2009 and they are short of reaching the required level by \$100,000. After a brief discussion, Ms. Hughes said they can claim one-half of OAR intake costs; Ms. Hughes said this will lower the amount by approximately \$15,000.

Sheriff's Office

Sheriff Meskill reported the Jail population is typical for this time of year; boardouts were up a little in November but are down right now. He said double-bunking is really making a difference and is reducing costs by between 50-70%. He said in looking at other county jails that are similar in size to Tompkins County he is seeing jail populations two to three times higher. He attributes this to the system in Tompkins County having a flavor towards not putting people in jail who don't need to be there. He said this is good from a taxpayer perspective as long as it doesn't have a negative influence on public safety.

Mr. Meskill reported a number of deputies will be recognized at tomorrow's STOP-DWI luncheon, including Kyle Koskinen, Mathew Haselman, Pete Walker, and Ryan Slocum. The Sheriff announced Deputy Kyle Koskinen attended the FBI Sniper School and came back as the top shot in a national and international competition. He competed against many larger departments of much larger size and who have people who have full-time SWAT duties.

Mr. Sigler arrived at 9:20 a.m.

Criminal Justice Advisory/Alternatives-to-Incarceration Board

**RESOLUTION NO. - ACCEPTANCE OF 2010 ANNUAL CRIMINAL JUSTICE/
ALTERNATIVES TO INCARCERATION (CJATI) SERVICE
PLAN APPLICATION**

Ms. Cook distributed copies of the Annual Service Plan. She said although funding continues to decline each year these funds will allow Casey Monihan to continue doing assessments in the Jail. The amount being applied for in 2010 is \$23,218; however, she expects that amount to be subject to a 7% cut. She also noted these are State funds that require no local match.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Michael Sigler, Vice Chair
AYES:	Robertson, Sigler, Chock, Dennis, Stevenson

WHEREAS, the Criminal Justice/Alternatives to Incarceration Advisory Board at its November 23, 2009, meeting unanimously approved the 2010 Annual Division of Probation and Correctional Alternatives (DPCA) Alternatives to Incarceration Consolidated Service Plan, and

WHEREAS, it is a requirement that the approval of the legislative/governing body accompany the Plan upon submission to the New York State Division of Probation and Correctional Alternatives, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approves the 2010 Alternatives to Incarceration Service Application Plan for Tompkins County,

RESOLVED, further, That a copy of the Plan will be kept on file at the office of the County Administrator, the office of the Chair of CJATI, and office of the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

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Appointments to the Criminal Justice Advisory/Alternatives-to-Incarceration Board

It was MOVED by Ms. Chock, seconded by Mr. Stevenson, and unanimously adopted by voice vote, to approve the following appointment(s):

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Patricia Buechel – Probation Director representative; term expires December 31, 2012

Deborah Dietrich – OAR representative; term expires December 31, 2012

Thomas L. Boyce – Local Police representative; term expires December 31, 2012

Department of Emergency Response

**RESOLUTION NO. - APPROPRIATION FROM CONTINGENT FUND - TERMINAL-
PAY REIMBURSEMENT – DEPARTMENT OF EMERGENCY
RESPONSE**

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Greg Stevenson, Member
AYES:	Robertson, Sigler, Chock, Dennis, Stevenson

WHEREAS, the Tompkins County Department of Emergency Response eliminated a Telecommunications position in June 2009 and lost an Emergency Services Dispatcher to terminal illness in August 2009, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget, Capital and Finance Committees, that the Director of Finance is hereby authorized and directed to make the following budget appropriations:

REVENUE:	A1990.54440	Contingent Fund	\$19,653
APPROPRIATION:	A3410.51000671	Salary - Telecommunications	\$11,672
	A3410.51000551	Salary - Dispatcher	\$ 7,981

SEQR ACTION: TYPE II-20

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Update on CAD System

Mr. Shurtleff updated the Committee on the CAD system and stated they have evaluated options on the system by way of review. The final piece they are trying to get to is to re-implement the mobile data system that is done in conjunction with the Computer Aided Dispatch system. The service and maintenance contract on the current system expires at the end of the year. However, that does not mean the County is losing service at the end of the year. The County still owns the license and will continue to use the system; however, outside software and technical support will not be available. He said they have been looking to upgrade that system for some time and also reactivating the mobile data piece that funding was reserved for. He said they are at a point now where they don't think the H.T.E. product that the County has used for a long time is going to be adequate to provide long-term support of applications and functions that they work with and are looking to move towards a Windows-based product. Mr. Shurtleff said they are working with the Information Technology Services Department and the LETSS (Law Enforcement Technology Shared Services) group.

Ms. Robertson asked if there have been any conversations with Cornell. Mr. Shurtleff said Cornell has compiled specifications for a system and have put it out to bid; he is not sure what the status of that is. Ms. Robertson said the possible combining into one RFP could result in acquiring a better bid.

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Assigned Counsel Program/Task Force Report

Ms. Hughes reported the Appellate Court has rendered a decision that the Conflict Office in Cortland County was not put into place appropriately; therefore, it is unconstitutional and has been abolished. She said this will cause ramifications across the State to other counties who have conflict offices and other offices set up similarly are likely to be closed as well.

Ms. Hughes said at the Chief Defender's Association meeting one of the large discussion items was minors (21 and younger) and a request was made to the Association to render an opinion, which they did yesterday. Ms. Hughes distributed copies of the opinion that in summary states that counties cannot impose any action on the parents to pay for the legal fees of minors. She has provided Mr. Wood, County

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Attorney, a copy, but has not received a response to date. Ms. Cook and Ms. Damm noted this is an opinion from the Defender's Association and not a court decision.

Ms. Hughes said at a meeting last week the ABIR talked about college students and notifying the colleges and extensively about Mr. Stolp notifying Cornell or Ithaca College. After discussion it was decided that it would carry "more clout" if a Legislator were to make the contact. There was discussion of when a student violates the law and the difference between university discipline and public discipline. Sheriff Meskill said if an individual 18 or over is charged with a criminal offense it is not the position of the County to become their "pseudo-parent".

Ms. Chock circulated copies of a Cornell Sun news article entitled "University Opts to Notify Parents on Second Substance Offense". She said the issue of notifying the parent when a child commits a criminal act became an issue when the federal government declared that universities were not allowed to contact parents regarding certain matters, with specific mention made of grades. She said for the purposes of arrests and charges it appears universities are able to notify parents about certain matters, leaving open an avenue that could be explored. There was discussion of what happens if a student is arrested downtown. Mr. Meskill stated Cornell and Ithaca College are private entities and employ peace officers and not police officers and cautioned against mixing public and private public safety systems.

Ms. Damm said before getting into a detailed discussion about sharing any information the County Attorney should be asked to provide an opinion. Ms. Chock also suggested speaking with Cornell University, Ithaca College, and TC3 to find out what their policies and operating procedures are.

At this time the Committee reviewed the college statistics provided by Ms. Hughes. Ms. Chock noted there were very few listed who were receiving financial aid. It was also surprising to members of the Committee how many high school students were listed. Ms. Chock asked how many parents are unaware of their child's arrest. Ms. Hughes did not have an answer but said many individuals do come in to her office with their parents. Ms. Buechel noted if a pre-trial investigation is ordered the Probation Department does make contact with parents. Ms. Cook said a determination of whether a parent is responsible until age 21 is dependent on a number of circumstances; however, she noted a judge does have the discretion to bill parents for Assigned Counsel charges when parents are still financially responsible. She said the CJA/ATI Board is looking into this further.

At this time Ms. Robertson thanked Mr. Stevenson and Mr. Sigler for their service on the Committee.

Ms. Hughes said she and Mr. Stolp met with Mr. Mareane, County Administrator, last week and they are now clustering assignments and are also working on voucher review. Mr. Mareane talked about having a meeting with some of the judges that he would be willing to initiate that meeting. Ms. Robertson said inviting the Magistrates to the January meeting may be a first step in the process of having a dialogue with the Magistrates.

There has also been discussion of training and they are in communication with the Law Guardian's Office in Albany.

Other updates were given as follows:

Mentoring Program – this should be listed under the Bar Association;

Brief Bank – this is being worked on;

Complaint procedure – this has not been worked on yet but a client can always talk to a judge

Program guidelines – Ms. Hughes said she goes by federal poverty guidelines and would need guidance if the Committee wanted to see this changed.

Fee structure and recovery mechanism for non-indigent specialty court participants – this is up to the judge.

Specialty Courts – Ms. Hughes said the two attorneys who are in the specialty courts are appointed by the judge and approved by the County. That is the only role the County plays in the specialty courts; there is no control over the assignment of cases. There was also discussion of the amount of time attorneys spend in a courtroom and whether this could be reduced, and staff was asked to look into this further.

Following discussion Ms. Robertson said she will write a summary of the status of each of the recommendations and will send to Ray Schlather and will provide a copy to Ms. Hughes and Mr. Stolp.

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Next Agenda

Ms. Buechel briefly reported on the new “Leandra’s Law” that will apply to all persons convicted of DWI and will make it a felony to be driving in a car with a child under the age of 16 and will require the mandatory installation of the interlock device. Ms. Buechel said this new law could increase the number of DWI offenders who get sentenced to Probation and there could be 30,000 to 40,000 more people in New York State who are placed on probation. She will prepare information for the January meeting about this unfunded mandate.

Minutes Approval (DOC ID: 1678): November 16, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	Greg Stevenson, Member
AYES:	Robertson, Sigler, Chock, Dennis, Stevenson

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Appointment to Traffic Safety Committee

It was MOVED by Mr. Stevenson, seconded by Ms. Chock, and unanimously adopted by voice vote, to approve the following appointments:

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Adjournment

The meeting adjourned at 10:50 a.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office