

**Public Safety Committee
February 12, 2009
3 p.m.
Scott Heyman Conference Room**

Approved 3-16-09

Present: M. Robertson, M. Sigler, C. Chock
Excused: J. Dennis, G. Stevenson
Legislators: M. Koplinka-Loehr
Staff: L. Shurtleff, Director of Emergency Response; P. Carey, Commissioner of Social Services;
P. Buechel, Director of Probation and Community Justice; J. Mareane, County
Administrator; M. Pottorff, Legislature Office; M. Barber, D. Allen, District Attorney's
Office; S. Cook, Criminal Justice Advisory/Alternatives-to-Incarceration Board Chair
Guests: K. Damm, B. Furniss, Advisory Board on Indigent Representation; T. Ashmore, Ithaca
Journal

Call to Order

Ms. Robertson called the meeting to order at 3 p.m.

Changes to the Agenda

A budget adjustment for the Department of Probation and Community Justice in the amount of \$6,510 was added to the agenda.

Chair's Report

Ms. Robertson reported on the recent NYSAC Conference. She attended the Association's Public Safety Committee meeting and heard from the new Chair of the Commission of Corrections, Tom Beilein. Mr. Beilein reported on some changes in policy, including when a jail has to be built (as dictated by the Commission); the Commission will no longer tell local counties how big jails have to be. Unfortunately, a lot of counties had gone ahead and built a new jail under the old Commission, but she is thankful Tompkins County did not.

Ms. Robertson said one of the big things in the State budget related to public safety deals with the practice of reimbursing local jails for state inmates and parole violators. The proposal is to eliminate payments to local jails entirely. It does say that the State has to provide a bed for all State-ready inmates within ten business days or the Department will provide reimbursement to counties at a rate of \$100 per day for each day past that time period. The inmate must be State-ready in order for the ten-day period to begin. Sheriff Meskill clarified that an inmate is designated as being "State-ready" once an inmate is sentenced to State prison. Another provision in the budget includes a proposal for counties to board into state prisons if they have capacity problems; Mr. Meskill said he has not heard of this. Ms. Robertson said she would provide information to him.

Ms. Chock attended a session at the NYSAC Conference with regard to sex offender residency. There was unanimous opposition to the proposed residency requirements that would not allow offenders to reside within 1,000 feet within a day care center or school. This is making it much harder for counties to ensure that offenders are monitored. Ms. Chock said some communities have this requirement in place now and noted it is only a proposal at the State level at this point. Mr. Meskill said the local police departments will have to absorb the cost of this additional mandate.

Mr. Mareane noted the Sheriff's 2009 budget contains revenue in the amount of \$120,000 for State ready inmates; the State budget proposal would eliminate that revenue.

Sheriff's Office and Jail

RESOLUTION NO. – REQUESTING THE STATE OF NEW YORK TO HOUSE NEW YORK STATE PAROLE VIOLATORS IN THE NEW YORK STATE DEPARTMENT OF CORRECTIONS

It was MOVED by Mr. Sigler, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature:

WHEREAS, county jails in New York State continue to house increasing numbers of parole violators, including parole violators held on technical charges and parole violators who have become "State-ready" and are awaiting transfer to a State correctional facility, and

WHEREAS, many jails report that a significant portion of their entire jail population is comprised of such parole violators and State-ready inmates, and

WHEREAS, in many county jails the average length of stay of a parole violator prior to his final parole hearing is one hundred twenty (120) days, and

WHEREAS, there are sixty-nine State correctional facilities, in addition to the 902-bed Willard Drug Treatment in Seneca County, New York, meaning that there is a State correctional facility in or near each county of New York State, and

WHEREAS, the number of inmates incarcerated in State prisons has been reduced so significantly in recent years that the Governor and some members of the New York State Legislature have called for a closing of several State correctional facilities, and

WHEREAS, these inmates held on parole violations have always been considered a State responsibility, although the State reimburses counties for only a portion of the housing costs incurred in maintaining these inmates while their parole revocation proceedings are held and completed, and provides no reimbursement for medical costs for such inmates incurred by New York State counties, and

WHEREAS, Governor Paterson in his proposed 2009-2010 State budget has suggested elimination of all funding to counties for housing such parole violator inmates on behalf of the State of New York, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County should seek appropriate relief from the Division of Parole and the Department of Correctional Services to lessen the amount of time that parole violators and State-ready inmates are held at county jails,

RESOLVED, further, That Tompkins County urges the State of New York to pass legislation to allow parolees awaiting a parole violation hearing to be incarcerated in a State Correctional facility in or near the county where the alleged parole violation occurred, rather than in a county jail,

RESOLVED, further, That until such time as a parolee awaiting a parole violation hearing is held at a State Correctional facility, that Tompkins County should be entitled to reasonable compensation for housing such parolees, at a sum equal to the actual cost of confinement, including actual medical expenses incurred by the County,

RESOLVED, further, That certified copies of this resolution be forwarded to the New York State Association of Counties, New York State Sheriff's Association, New York State Department of Corrections, Governor David Paterson, Senators Michael F. Nozzolio, James Seward, and George H. Winner, Jr., and Assemblywoman Barbara S. Lifton.

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Sheriff Meskill distributed a packet of Jail information containing bail report information, Jail Utilization and Occupancy for 2007 and 2008, and a Jail Transport Summary. The purpose of the document is to give the Public Safety Committee a look at how the Jail is being impacted by other parts of the criminal justice system. Ms. Robertson said it is very important to understand how other parts of the system affect the Sheriff's Office and its workload.

There was a brief discussion of the document distributed by Sheriff Meskill showing the average daily population of the Jail in 2008 to be less than 69 per day. Ms. Robertson said she was pleased these

figures were low and made a request to gather projections that were done approximately ten years ago by the consultants. She recalled the projections were that the County would need a facility to house 120 inmates per day. Mr. Meskill said while he agrees and is thankful the population didn't reach the projected figures, there is not a doubt to him that improvements to the current facility are desperately needed. He spoke of the inadequate space to properly classify and house inmates, in addition to mechanical failures that exist in the building. Sheriff Meskill said as much as he would like a new facility, he does not recommend building a new jail because of the cost. He believes a county should only build for what it needs rather than what it could grow to need. Ms. Robertson said the Committee will spend time this year looking at these issues.

Ms. Robertson also mentioned a change by the Commission on incarceration protocols for 16 and 17-year olds and amending the total classifications to two classifications only. Mr. Meskill said it isn't as great of news as it appears because there are many practical reasons for not housing particular inmates together (noting the safety of inmates as a first priority). Ms. Robertson said she believes the intent in removing the classification requirement was to provide a Sheriff with the flexibility to make decisions.

Sheriff Meskill said his top priority issue is having proper space for housing inmates and additional space for interviews and other programs. Ms. Robertson said she is interested in analyzing Jail population and the population within the alternative programs as a prelude to analyzing the building capacity and what the needs are.

Ms. Pottorff was asked to recirculate December Jail statistics to the Committee.

Criminal Justice Advisory/Alternatives-to-Incarceration Board (CJA/ATI)

RESOLUTION NO. – ACCEPTANCE OF 2009 ANNUAL ALTERNATIVES-TO- INCARCERATION CONSOLIDATED SERVICE PLAN

The CJATI Annual Service Plan is required to be submitted to the NYS DPCA (Division of Probation & Correctional Alternatives) on an annual basis as mandated by the NYS Executive Law §13-A. One component of the Service Plan is the requirement to answer certain questions regarding our mandate to analyze the Jail population and ATI programs. A second component of the Plan entails State funding in the amount of \$24,700, which funds salary, benefits and supervision for a Substance Abuse Evaluator to do alcohol/drug assessments in the jail. The Evaluator provides a comprehensive substance abuse and psycho-social evaluation of the client, from which treatment recommendations and referrals are made. Two new components this year is the addition of the psycho-social evaluation and after-care plan for inpatient referrals. Performance milestones this year indicate minimum-number of anticipated evaluations at 45. There are no matching County funds required.

Ms. Carey and Ms. Cook spoke positively of the employee in this position performing these duties. Ms. Hughes said the Judges and defense attorneys are also pleased with the work being done.

Ms. Chock requested Ms. Cook provide her with copies of the quarterly reports from 2008.

It was MOVED by Ms. Chock, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature:

WHEREAS, the Criminal Justice Advisory/Alternatives to Incarceration Board at its January 26, 2009, meeting approved the 2009 Annual 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 2009 Alternatives to Incarceration Consolidated Service 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 Criminal Justice Advisory/Alternatives to Incarceration Board, and office of the Tompkins County Legislature.

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Ms. Cook said Nancy Andino of the DPCA (Department of Probation and Correctional Alternatives), had explained that one of the things the State is now doing with its performance milestones is tracking the effectiveness of the ATI programs. They started a collaboration between the State and DCJS (Department of Criminal Justice Services) and the DPCA. Through quarterly reports and tracking logs that are submitted with NYSID numbers, they did a recidivism study of programs mostly downstate where they had tracked the people who went through these programs on 3-6-9 and 12-month intervals to see what happened to them. The philosophy was to use one common identifier number to follow a person through the system. Using this you are able to look at data and let that data drive the decisions that need to be made. This shows when an individual enters the jail and it identifies the population that moves through the jails and prisons. Ms. Cook said there is no personal identification attached to the NYSID number; but she noted that persons name, age, and address is public information. Ms. Cook spoke of the many opportunities to gather information with the use of NYSID numbers. She also said using data in an aggregate manner lets you see trends which has a lot of value.

Ms. Robertson asked to receive a copy of the results from the downstate study.

Ms. Cook said the DCJS has made an offer to compile and analyze the information. They would need the period of time to be outlined, the name, date of birth and the NYSID number. The second pocket of information is to analyze who is going in and out of the system. Ms. Cook said Mr. Mareane is working with the Sheriff on compiling this information and in a way that does not create an administrative burden on the Sheriff's Office.

Ms. Robertson said the issue of gathering this information is complex. The CJA/ATI Board and the County Administrator is making this a priority and it is important to have a good sense of collaboration on how it is done.

STOP-DWI Program

RESOLUTION NO. - APPROPRIATION FROM GENERAL RESERVE FUND FOR THE PURCHASE OF SPEED RADAR SIGNS FOR THE TOMPKINS COUNTY SHERIFF'S OFFICE AND THE ITHACA POLICE DEPARTMENT

Ms. Barber said these funds are to purchase two mobile speed radar signs and noted these purchases are not part of the regular STOP-DWI Program budget. There is a reserve fund that has been sitting there for several years with a considerable balance and the State is saying funds need to be used. She stated these are DWI fine monies and can only be used for the purpose of promoting traffic safety. She also said these signs will have blue tooth technology but are not equipped with cameras. Mr. Sigler asked what correlation this has to stop DWI efforts. Ms. Barber said a reduction of speeding does relate to stopping DWI and is also a part of the Governors Traffic Safety Committee's mission.

It was MOVED by Ms. Chock, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature:

WHEREAS, Tompkins County STOP-DWI Program is providing the Tompkins County Sheriff's Office and the Ithaca Police Department each with a Speed Radar Sign to promote traffic safety in high risk areas throughout Tompkins County, and

WHEREAS, STOP-DWI fine money was collected and placed into a reserve fund and is available for uses that promote public safety, and

WHEREAS, funds are intended to cover the full cost for the speed radar signs, and

WHEREAS, there are no budgeted funds within the 2009 STOP-DWI Program budget to cover these costs, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for the purchase of the equipment:

FROM: A4250	Reserve Fund	\$12,000
TO: A4250.52220	Departmental Equipment	\$12,000

RESOLVED, further, That the County Administrator is authorized to execute the required documents.

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Department of Emergency Response

Mr. Shurtleff updated the Committee on the changes in the Communications System which has been operating on a full-time basis since October. They are still cleaning up a few items and doing some installations along the way. One function that would transmit the status of where EMS vehicles was discovered to be problematic. They originally thought it would require a simple download of information from the Motorola system to the CAD (Computer Aided Dispatch) but it has required a lot of programming to put it into the system. He said some software has been identified and he expects that problem to be resolved in four to five weeks.

Mr. Shurtleff reported they are in the process of getting phase II of the wireless project up and running and have been doing testing with some of the wireless carriers in the area. They have had some routing issues within the 911 phone system itself and had to use some outside software writers to make that routine take place and testing will be conducted next week.

Mr. Shurtleff reported a couple of months ago a resolution was approved with a budget adjustment related to frequency relocation agreements. Some of the private entities are starting to get licensed on some of the frequencies the County used with the old system. He said they have been retiring some of the old microwave radio linkages in the County and in the process have been able to get some reimbursement from companies who have purchased the frequencies. They are currently negotiating with a company that has purchased frequencies for four of the County's old links in the system and Mr. Shurtleff has been working with Jonathan Wood, County Attorney, on this. He said he is hopeful that with the reimbursements, they will be able to finish some other parts of the project, including a link to the old system and payment for some of the relocation costs. He said it is also possible there will be funds to apply towards a capital or operational one-time capital contribution.

They are also looking at the mobile data system. He said when the communications system was developed one of the objectives was to restore mobile data and to be able to send electronic data through the system from laptops and to restore functions that used to exist, such as where a police car could do a data request right from a laptop in a car. Mr. Shurtleff said these basic functions that need to be restored from an operational standpoint are for the law enforcement side to ensure the closest car agreement and allow for data retrieval. He said the old microwave frequencies worked well up until the point where the County's infrastructure couldn't carry it any longer. Taking that system off the air approximately four years ago has put a very heavy load on dispatch operations and they are expecting to alleviate that. Mr. Shurtleff said \$1 Million was reserved out of the original \$16 million project to develop a mobile data system. He spoke of radio frequencies that would be needed in order to support the applications in the cars and said the State has tied up every 800 Mhz frequency in developing the Statewide Wireless

System. Mr. Shurtleff said they looked at some UHF frequency or use of old frequencies but found limitations on the speed and capacity that they could provide the County with. They have been also looking at going to the 700 MHz frequencies and expected to have those available this week but Congress passed legislation asking for a delay in the switchover of analog to digital television stations. Those are the frequencies public safety had expected to use. He has been informed that they will probably be available some time after June but that still leaves some time to develop a system to deploy those. Although he is has been working with Harlin McEwen, former Ithaca City Police Chief, who is Chairman of the Public Safety Trust, a conglomeration of public safety organizations, on other alternatives. He said they need to continue to look for an alternative for a mobile data system.

He said it appears a mobile data solution could be implemented that would tie into the TraCS (Traffic and Criminal Software) system installed in the cars by the County ITS staff. He believes this would provide a functional mobile data system using much of the existing infrastructure. This will be presented to the Emergency Communications Review and Oversight Committee next week. The cost would be between \$100,000-\$200,000 in addition to what it will cost to upgrade the computer aided dispatch systems which has been a project that has been on hold for some time. Mr. Shurtleff said he met with Joe Mareane last week and thinks there is a solution that will provide a short-term mobile data solution. Mr. Shurtleff said anything purchased for the short-tem solution could be used towards the migration to a long-term solution.

Ms. Chock asked if there are any privacy concerns in relaying information. Mr. Shurtleff said information is primarily incident-related and transmitted over a private system.

Mr. Shurtleff said when the capital plan was put together they were looking at future operational support of approximately \$600,000 for maintenance costs. A part of the financial model was to seek some different revenue sources related to the system. Those options included negotiating an agreement with the SWN (Statewide Wireless Network), talking to larger entities such as Cornell, about possibly adding their needs into the system and having them share in some of the expenses; and to also look at co-location of wireless cellular companies on the towers. The towers were constructed for that and he is working with Mr. Mareane on analyzing this. These sites have been marketed but funding models probably aren't going to work right now because certain funding streams no longer exist for these three alternatives. However, Mr. Shurtleff said there has been some interest in the sites by some private companies. Mr. Shurtleff thinks they may have to look to the County as an option in the future -- five to six years from now when there is a more of a need in the rural areas.

He suggested the County's approach may need to be redirected and said a discussion has come up as to whether the towers could be used for extending broadband into the rural areas. Many of the areas where there are towers are areas that do not have internet access. He said our system allows a microwave network that would extend to areas and provide capacity that is beyond what we will use for public safety services. He said a transmitter could be installed that would allow service to be accessed. He is working on the concept of placing broadband equipment at 5 to 6 sites, leasing to a private entity and actually selling some of the capacity on our system that would be able to reach into remote areas where there is no cellular market. He is working with County Administration on a proposal that has been included in the funds that are being allocated for rural broadband access in the federal stimulus package. He said they will be examining where there are opportunities for some public/private partnerships and will continue exploring this option. Mr. Shurtleff will report back to the Committee as this moves forward.

Department of Probation and Community Justice

Budget Adjustment

It was MOVED by Mr. Sigler, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature. Ms. Buechel

said this was transferred to the Human Services Coalition but the Department is still “tidying up” accounts.

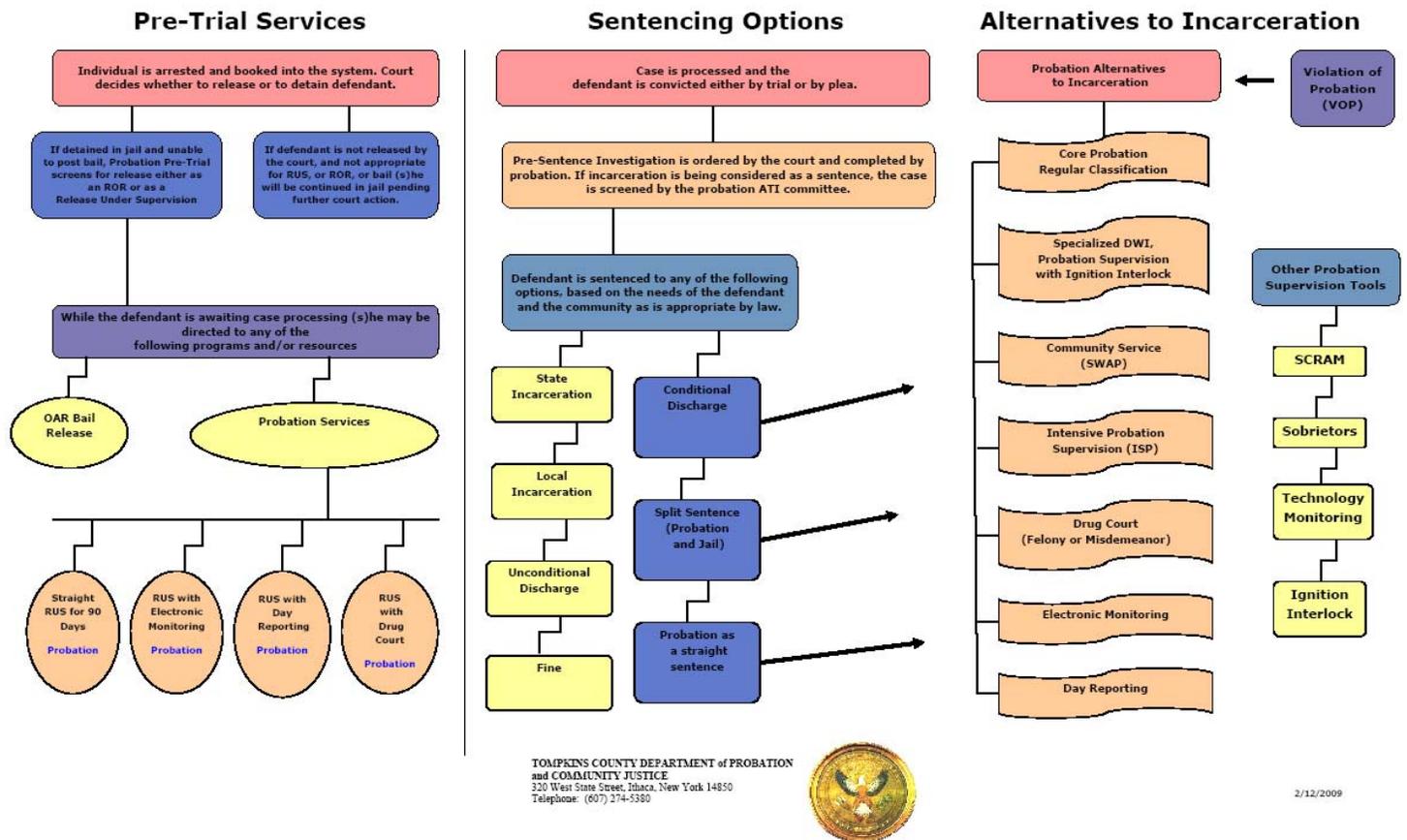
FROM: A3996.43389 Other Public Safety \$6,510
TO: A3996.54491 Subcontracts \$6,510

EXPLANATION: Appropriation of unused 2007 STOP (Violence Against Women) Grant funds.

Overview – Department of Probation and Community Justice

Ms. Buechel walked the Committee through the attached chart.

Mr. Sigler said he objects to using the bail fund after a judge has set a bail. He said when a judge has the right to issue a bail, he objects to then using the bail fund to get a person out of jail. Ms. Robertson said bail is not punishment, it is means of assurance that the individual will appear in court and is not a form of punishment. Ms. Buechel agreed and said there are many different reasons a judge would set bail for an individual. Mr. Sigler said what he disagrees with is when one branch of government supersedes another.



Ms. Buechel said Probation itself is the largest ATI program there is with 125,000 people on probation in New York State and is split 50/50 between felony and misdemeanors. In Tompkins County there are 701 criminal supervision cases in Tompkins County, of which one-third are DWI cases.

Ms. Robertson noted there are many programs that are utilized both before sentencing and pre-trial. She said there are many good reasons for bringing individuals into programs while in the pre-trial stages but it does make determining the number of jail days saved difficult.

Ms. Hughes asked Ms. Buechel if she was aware of another court starting in Tompkins County. Ms. Buechel was not aware of any new court at this time.

Each month the Committee will learn about various County alternatives-to-incarceration programs.

Committee Goals

Ms. Robertson asked that members submit suggestions for goals to be discussed at the next meeting. Mr. Sigler suggested looking at accelerating the County's Capital building program to take advantage of building material costs being lower at the present time.

Appointment(s)

It was by Mr. Sigler, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the following appointment(s) and submit to the full Legislature:

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Marilyn Ray – At-large representative; term expires December 31, 2011

Louise Miller – Agency representing a crime victim; term expires December 31, 2011

Liaison Assignments

The Committee will continue to discuss these at the next meeting when all members are present.

Approval of Minutes of November 21, December 16, 2008, and January 20, 2008

It was MOVED by Mr. Sigler, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the minutes of November 21, December 16, 2008, and January 20, 2008 as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 5:15 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office