

**Public Safety Committee
February 3, 2005
2 p.m.
Scott Heyman Conference Room**

Approved 3-8-05

Present: L. McBean-Clairborne, G. Totman, M. Robertson, M. Koplinka-Loehr, P. Penniman

Legislators: N. Schuler, T. Joseph

Staff: S. Whicher, County Administrator; L. Shurtleff, Department of Emergency Response; P. Meskill Sheriff; K. Leinthall, Department of Probation and Community Justice; M. Pottorff, Legislature Office; W. Skinner, Public Information

Guests: A. Tutino, Ithaca Journal; M. Bishop, Citizen; B. Barry, Tompkins County Coalition Against the Death Penalty; L. DeProsse, League of Women Voters

Called to Order

Mrs. McBean-Clairborne called the meeting to order at 2 p.m.

Changes to the Agenda

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote, to add to the agenda the following resolutions:

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| Resolution No. | - Calling for Abolition of the Death Penalty in the State of New York |
| Resolution No. | - Authorization to Extend Contract - Pubic Safety Communications System Capital Project |

RESOLUTION NO. - RESOLUTION CALLING FOR ABOLITION OF THE DEATH PENALTY IN THE STATE OF NEW YORK

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Penniman. Ms. Barry said right now there is a moratorium on the death penalty in New York State because the Circuit Court has ruled the current law is unconstitutional. A series of hearings are being held in Albany about this issue and she would like a message delivered that the overwhelming feeling is that the death penalty should be abolished. She said she had a conversation with Assemblywoman Barbara Lifton and was told the law is still on the books; however, if no action is taken it would mean it is void. Ms. DeProsse submitted the following statement on behalf of the League of Women Voters:

Capital Punishment in New York State

The League of Women Voters of New York State opposes the death penalty. We believe that New York State, as part of a civilized society in the 21st century, should not be executing people. Almost all developed countries have abolished the death penalty. The League joins in the call for abolition of the death penalty, with the use of life without parole as the primary alternative.

Should the legislature consider reestablishment of the death penalty, the League urges the creation of a state commission to study factors including, but not limited to, the following before a decision is made:

- Adequate mechanisms for introducing new evidence;
- Powers given to the County District Attorney in seeking the death penalty;
- Racial, ethnic, and economic issues of defendants and victims (including data from other state);
- Geographic inequities in New York law;

- Costs of death penalty versus life in prison;
- Equitable justice for all defendants;
- Reliability of evidence in New York criminal convictions, and
- Human rights aspects of State killing

If the New York State Legislature and Governor re-establish the death penalty statute, the League supports the exclusion of the following categories of people:

- Mentally ill
- Developmentally disabled, and
- Under 18 years of age at the time of the crime

The League further believes that any death penalty law should require proof of guilt "beyond any doubt," rather than "beyond a reasonable doubt."

Ms. Robertson said although she would prefer to see legal action taken to remove this law from the books instead of there being a moratorium, she is very much in favor of this resolution. Support for abolition of the death penalty in New York State was also expressed by Legislators Totman and Penniman. *Mr. Penniman requested additional information; Ms. Barry said she would send him more information.*

A voice vote on approving the following resolution and submitting to the full Legislature resulted as follows: Ayes - 5, Noes - 0. MOTION CARRIED.

WHEREAS, in 1995, New York State reenacted the death penalty, and portions of New York's death penalty statute have been ruled unconstitutional in the state's courts, and there has been a de facto moratorium on the death penalty in New York State since June 2004 when the New York Appeals Court found in LaValle that the death penalty statute was so seriously flawed "...that under the present statute, the death penalty may not be imposed" (Judge George Bundy Smith),

WHEREAS, the General Accounting Office of the United States Congress has found racial bias in the implementation of death penalty statutes, numerous studies have confirmed this bias, and no reputable sociological study has ever shown the death penalty to deter crime, and

WHEREAS, since 1973, more than 110 inmates have been released from death row because substantial evidence of their innocence was uncovered, and

WHEREAS, the death penalty has consistently been demonstrated to cost more than life without parole, and

WHEREAS, polls have repeatedly shown that a majority of New Yorkers support alternatives to the death penalty when given the choice

NOW, THEREFORE, BE IT RESOLVED That the Tompkins County Legislature urges the Governor of New York State, the State Legislature and New York's District Attorneys to abolish the death penalty in New York State.

RESOLVED, further, That the Tompkins County Legislature urges Congress and the President of the United States to pass resolutions ending federal executions as quickly as possible and sign them into law; and

RESOLVED, further, That copies of this resolution shall be sent to the President of the United States, the Majority Leader of the U.S. Senate, the Speaker of the House of Representatives, the local members of Congress, the U. S. Senators from New York, the Governor of New York, the Speaker of the State Assembly, the Majority Leader of the State Senate and local State Senators, Assembly Members, and District Attorneys.

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Sheriff's Office

Sheriff Meskill requested approval from the Committee to seek bids for Department vehicles.

It was MOVED by Mr. Totman, seconded by Ms. Robertson, and unanimously adopted by voice vote, to grant permission to the Sheriff to seek bids for Department vehicles with the understanding that the Committee would be supplied with information relating to how many vehicles the Department has and how many are replaced each year. *Mr. Whicher said he would supply the Committee with this information.*

Sheriff Meskill distributed copies of Jail Statistics for January, 2005, and a report on Highlights in the Sheriff's Office for February, 2005.

Ms. Robertson referred to a comment made at the January 6 meeting at which it was stated that the County Administrator would be receiving extracted file information from the Sheriff and asked what the status of that is. Mr. Meskill said he transmitted the information to the Information Technology Services Department. Mr. Whicher will check on the status of the data with that Department.

Probation Department

Ms. Leinthall explained she has a supervisory employee who may be relocating out of Tompkins County and who requested a year's leave of absence. She is anticipating three vacancies based on employees who will be moving up in the Department as a result of filling this position, and requested Committee approval to fill these positions.

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the filling of the following three positions:

- Probation Supervisor; Full-time - Salary: \$62,229
- Probation Officer; Full-time - Salary: \$46,753
- Sr. Probation Officer - Day Reporting Program; Full-time; Salary: \$56,571

Mr. Koplinka-Loehr asked what steps have or would be taken relative to affirmative action and recruitment of diverse candidates. Ms. Leinthall stated a Civil Service test is being given on February 5 and when those results arrive the current Civil Service list will expire. The Department is required to hire from the certified Civil Service list provided by the Personnel Department. Ms. Leinthall said although the Department has been successful in the past in hiring diverse individuals, they have not had good luck retaining them. She said most individuals are offered positions elsewhere, and in many cases, are hired by school districts at higher salaries.

Communications Capital Project

Mr. Shurtleff distributed the following highlights on the Communications Capital Project:

Phase I: Emergency Response Center

- County Dispatch move completed December 9, 2004
- City Police function move completed January 31, 2005
- Final Acceptance Testing - Phone/other systems to be completed February 28, 2005

Phase II: Communications System Upgrade

- Revised Specifications, clarifications and corrections delivered to Motorola on January 28, 2005. Motorola to review and submit final site configuration and

coverage depictions to meet identified concerns. Expect response mid/late February. Agreement on this response is the first negotiation step.

- System user to be engaged (February) in frequency use/mutual aid interoperability planning effort.
- Site options/agreements secured.
- SWN (Statewide Wireless Network) MOU (Memorandum of Understanding) conditions agreed to. Steve Whicher to execute.
- RFP for environmental Impact Study (ES responses under review. Contract to be submitted for March meeting.
- Co-location at Public Safety Building/Warren Road: Contracting for design engineering and negotiations services. Good Response.
- South Hill specifications work continuing.
- Federal Budget Funding request due late February.

Mr. Shurtleff also distributed a summary timeline for the Communications Project.

Other activities Mr. Shurtleff reported on included 911, Homeland Security, and Dispatch operations. He stated a 911 Board meeting was held in Albany last week; the County had applied for grant funding for wireless enhancements in the amount of \$90,350 which would be in the form of reimbursement for the groundwork that was laid last year. He said he plans to come back to the Committee next month for approval to accept the grant. He also reported on Homeland Security funding and said he was notified that Tompkins County is eligible to receive \$65,000 in appropriations; however, he noted this is much less than last year. He stated he will be working with this Committee to see what items people are interested in; however, he expects those funds to be used for items such as hazardous materials equipment, training, and items relating to prevention.

Mr. Shurtleff announced the Ithaca Police Department dispatch functions moved to the Emergency Response Center on Monday.

Mr. Shurtleff spoke of the reorganization of work duties related to this project. He stated Ms. Shakarjian is working on an RFP for co-location planning services at the Public Safety Building and this will probably be the template that is used for any other co-location structure sites within the County. She also has an RFP out for the environmental review process and two responses are presently being reviewed.

Mr. Shurtleff said negotiations are also taking place with the Cornell Industrial and Labor Relations School to provide assistance with negotiations planning, training, and strategies. Also, the 2006 federal grant requests are going to be due by the end of February. As the Committee should know, Tompkins County received two \$500,000 grants. The Committee suggested that we request the same amount from Senator Shumer.

Finally, Mr. Shurtleff reported the Office was involved over the last weekend in a situation with the City of Ithaca and Town of Lansing during an ice situation. He said the situation was resolved; however, there are remaining concerns about the ice situation around Salmon Creek in Lansing.

RESOLUTION NO. - AUTHORIZATION TO EXTEND CONTRACT - PUBLIC SAFETY COMMUNICATIONS SYSTEM CAPITAL PROJECT

MOVED by Ms. Robertson, seconded by Mr. Totman. Mr. Shurtleff updated the Committee on management of this project. He stated Ms. Shakarjian is working on the environmental review processes and co-location and he is working directly with the SSI Consulting. He said a package is in front of Motorola to review the County's revisions and clarifications to the RFP and expects they will provide final coverage projections and site recommendations within the next month. Once that coverage and siting is acceptable to all parties,

negotiations will move forward. In response to a question, Mr. Shurtleff said the final decision on the number of towers will come to the Public Safety Committee.

A voice vote on approving the following resolution and submitting to the full Legislature resulted as follows: Ayes - 5, Noes - 0. MOTION CARRIED.

WHEREAS, the County has established the Public Safety Communications System as a capital project and the Legislature has assigned the Public Safety Committee to provide oversight of the project, and

WHEREAS, outside consultants and contractors are required to complete all phases of the project which include design, research, assessments, and other elements, as well as procurement of products, and

WHEREAS, the County established contracts to provide project management for this project, with SSI, Inc., of Limerick, Pennsylvania, on May 20, 2004, and

WHEREAS, the County wishes to obtain additional consulting services from SSI, Inc., of Limerick, Pennsylvania, related to contract negotiations and implementation, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County Administrator be authorized to extend contract services with SSI, Inc., of Limerick, Pennsylvania, for up to \$55,000 for assistance in the contract and system negotiations for the implementation of the Public Safety Communications System, the funds for which are available in the current capital project (Project No. 34.12) Account No. HI 3412-59239,

RESOLVED, further, That the County Administrator is hereby authorized to extend the contract and to execute change orders up to five (5) percent of the contract total.

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Mr. Whicher asked how this Committee would like to see information relating to the Communications Project. Following a brief discussion, a subcommittee consisting of Legislators, Penniman, Robertson, and Totman agreed to serve on a Communications Capital Project subcommittee to review and recommend process steps. This subcommittee, which will be chaired by Mr. Penniman, will make proposals to the Public Safety Committee. Mr. Shurtleff said the project team meets on a weekly basis and will incorporate the subcommittee into those meetings.

Committee Goals

The following suggestions were made during a discussion of possible Committee goals for 2005.

- Communications Capital Project - move forward with the project
- Data and its use in driving decisions, including usefulness of the data
 - Mr. Whicher suggested measurement and success indicators for ATI programs.
- Plan for what is going to happen with modernization of the Public Safety Building
- Self-evaluation by Community Justice Center staff for the purpose of having the Center run as effectively as possible;
- How are departments evaluating their programs? Can suggestions be made or resources be made available to help them?
- This Committee should receive juvenile justice reports (Mr. Whicher commented that there is a change in the Governor's budget that might be significant). Ms. Cook of the County Attorney's Office, will be asked to report to the Committee on that change.
- Additional evaluation of the alternative-to-incarceration programs because it this issue crosses over to the Public Safety Building
- Refinement of what the questions are relative to the ATI programs
- Discuss/monitor Jail population
- Increase safety of the public in Tompkins County

- Discuss a plan for the Public Safety Building
- Actively communicate with the public and taxpayers as to the activities of this Committee. Ms. McBean-Clairborne said a question was raised at the Common Council meeting last night regarding monitoring board-out costs. The public has asked: "How can the County justify spending so much money on a study and not do anything?"
- Public Safety Building Civil side renovations/rehabilitation
- What, if anything, can be done to address program enhancements for inmates?

A comment was made that although something may be a goal of this Committee, the work of another group who is focusing on the same task should not be duplicated, with specific mention made of the Criminal Justice Advisory/Alternatives to Incarceration Board and its work relating to the ATI programs. Ms. Robertson said with regard to jail population, it appears that Tompkins County is doing well when compared to surrounding counties.

Ms. Robertson said DSS Commissioner, Patricia Carey, is participating in a work group to get a handle on OAR, Assigned Council, and DSS interactions with inmates relative to discharge planning. She suggested Ms. Carey be invited to attend a meeting of this Committee.

Liaison Assignments

The Committee established the following liaison assignments:

Advisory Board on Indigent Representation - **Michael Koplinka-Loehr**
Family Court Advisory Council - **Martha Robertson**
Fire, Disaster and EMS Advisory Board - **George Totman**
Emergency Communications Oversight and Review Committee - **George Totman, Leslyn McBean-Clairborne (alternate)**
Criminal Justice Advisory/Alternatives to Incarceration Board - **Martha Robertson, Leslyn McBean-Clairborne (alternate)**
Magistrates Association - **George Totman**
Local Emergency Planning Committee - **Leslyn McBean-Clairborne**
Offender Aid and Restoration - **Michael Koplinka-Loehr**
COMCAP - **Peter Penniman**

Liaison Report

Mr. Koplinka-Loehr announced the 24th annual OAR (Offender Aid and Restoration) meeting will be held on April 4th at 5:30 p.m. at the Ithaca Town Hall.

Approval of Minutes

It was MOVED by Mr. Totman, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the minutes of the meetings of November 4, 2004, January 4,6, and 18, 2005 as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 3:23 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office