

**Public Safety Committee
February 5, 2004
2 p.m.
Scott Heyman Conference Room**

Present: B. Blanchard, M. Robertson, G. Totman, M. Koplinka-Loehr, L. McBean (arrived at 2:11 p.m.)
Legislators: D. Kiefer, N. Schuler, T. Joseph
Staff: S. Whicher, P. Meskill, R. Stolp, K. Leinthall, R. Bunce, D. Neimi, G. Dentes, S. Cook, J. Vitale, J. Hughes, W. Skinner, A. Lemaro
Guests: O. Mack, OAR; M. Ray, M. Johnson, D. Bentley, Conditional Release Program; B. Steinkamp, WHCU; A. Tutino, Ithaca Journal

Called to Order

Ms. Blanchard called the meeting to order at 2:02 p.m.

Changes to the Agenda

The following items were added to the agenda:

Information and request relating to staffing issues at the Community Justice Center
Information on a Park Foundation Grant

The resolution entitled Acceptance of STOP Grant was withdrawn from the agenda.

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

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, 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, 2004, meeting approved the Annual Alternatives to Incarceration Consolidated Service Plan, and

WHEREAS, a new requirement calls for the legislative/governing body approval to accompany the Plan upon submission to the New York State Department of Probation and Correctional Alternatives, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approves the 2004 Alternatives to Incarceration Consolidated Service Plan for Tompkins County.

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Staffing - Community Justice Center

Ms. Leinthall said during the budget process the Department requested a security position for the Justice Center; however, funding was not available. Since then, CDRC (Community Dispute Resolution Center), who had been teaching the Impact of Crime class has informed them that they are not able to provide the service anymore. She said the community police officer from IPD has decided that he could teach the class and integrate the service into his regular duties without additional expense to the County. This provides the Department with \$35,000 that they would like to use towards a full-time permanent security officer at the Center. Ms. Leinthall stressed the need for an officer because of the change in the teen population and general increase in visitors to the Center. She said the entire program is scheduled for evaluation next year and that evaluation would include this position as well. She also stated they

have a person in the position on provisional basis and have experienced a significant improvement in the environment and security at the Center.

Mr. Koplinka-Loehr said he could not support filling the position at this time. He said there was a lengthy discussion during the budget process and this request was denied because it was not one of the higher priorities at that time. He said he would need further information to convince him based on a liability standpoint. Ms. Leinthall stressed that the program demographics have changed since that time and she feels this position is extremely necessary.

Ms. Robertson expressed gratitude towards the City and said she thinks this is an excellent way to use the funds and volunteer labor.

Based on a request for additional information, a special Committee meeting was scheduled for February 17, 2003 at 5 p.m.

Report on the Conditional Release Program

Marilyn Ray introduced the Commissioners of the Local Conditional Release Program. Ms. Ray said they would like to have another Commissioner appointed; she believes it would be important to add diversity to the group and suggested a male African-American.

Ms. Ray said the numbers there were 21 applications for conditional release processed during the period of March, 2003 thru December, 2003 with conditional releases being offered to ten of them. Of those, two successfully completed the program.

Ms. Ray said the greatest concern the Commissioners have relates to a gap in service. Almost all of the people they have seen have alcohol or substance abuse problems and most have been incarcerated previously and several of them on many different occasions. Ms. Ray said they have concerns that individuals who are in the Jail are not receiving treatment for substance abuse, anger management, or for mental health issues. She stated five of the twenty individuals they interviewed were involved in domestic violence. She also said research has shown that the biggest correlation for reoffending is not receiving any treatment.

Ms. Neimi, Jail Administrator, said she has never been contacted by the Local Conditional Release Program. Mr. Meskill said inmates are entitled to apply for early release; however, that does not mean the Sheriff or the Jail is required to inform anyone of this. The Committee requested that the Commission staff and the Jail discuss the issues that have been presented and to improve the communication between each other.

Ms. McBean asked how a person would express an interest in becoming a Commissioner. Ms. Leinthall said Faith Newkirk at the Probation Office has information that could help them. She also said she will provide a copy of the "Green Book" to all members.

Update - Commission of Correction Meeting

Ms. Blanchard reported everyone should have received a copy of a she letter received from the Chairman of the Commission of Correction. Ms. Blanchard said during her meeting with the Commission she asked what would happen if Tompkins County went ahead with the 104-capacity Jail as planned. She was informed the Supreme Court could seek an order to block construction and there are other actions that could be taken as well, including closing the facility. She said State Law says that before a construction or renovation project can be bid that the plans must be approved by the Commission. Ms. Blanchard said she has given a great amount of thought to the meeting with the Commission, and described it as being different from contacts she has had in the past with State agencies.

She stated the Commission's statements were clear and unequivocal. They had done their homework and communicated in a very straight-forward and polite manner, for which she is appreciative.

Ms. Blanchard asked for comments from Sheriff Meskill and Mr. Joseph who also participated in the meeting. Mr. Meskill said he felt the issues and concerns that were articulated by the Commission were very clearly presented. He said he learned things from the meeting, particularly about the classification issue. He said placing people in pods can be cost effective; however, he failed to remember that with all the various blocks they would need to classify people, and that space would be lost in the current design if there weren't enough pods.

Mr. Joseph said the meeting was in two parts -- the portion where the plans were reviewed was helpful and the Commission had some very valid points to make in terms of why what was presented would not work. He said he did not agree with the other part of the conversation when the Commission informed the County what capacity it wanted a building designed for -- 160 beds. Mr. Joseph said he cannot see Tompkins County having that high of a population number, especially given the population of 63 today.

Ms. Blanchard said the Commission felt the County's design did not take into consideration any impact from the Rockefeller Drug Laws. They said counties can expect longer and more substantial sentences for locally incarcerated individuals. Ms. Blanchard asked Mr. Dentes, District Attorney to explain what this means. He explained that people are serving less time, being released to parole earlier and the parole time is being reduced. This means there will be a lot more convicted criminals on the street and this will likely result in an increased crime rate. Ms. Robertson said this is another example of the State imposing an unfunded mandate on counties.

Ms. Blanchard asked what other information the Committee needs to respond to this serious challenge. Mr. Totman said when the Jail was built 17 years ago it cost \$4 million and the Sheriff at that time wanted to make a bigger facility. He feels the County should move forward and build a facility with the capacity recommended by the Commission.

Mr. Whicher referred to the letter from the Commission and said he is troubled by part of the content. The portion that refers to the tracking data for the Jail reveals to the Commission that inmate population of nearly 100 inmates is incorrect. He stated that based on 13 years of data the population at the Jail, while it has peaked at times, has never approached that figure. Mr. Whicher said the Sheriff has done a fantastic job in controlling the population and maximizing the revenues for the County. Ms. Blanchard said that is one of the items the Committee needs more information about; particularly the reference to 1988 incarceration levels.

Ms. Blanchard said in the meeting with the Commission, a representative spoke of classifications and explained an example. She asked Sheriff Meskill to obtain a written explanation of that person's comments during the meeting.

Ms. Blanchard asked for input from the Committee about how to proceed at this point. The following was suggested:

- ❖ Confirm that the Commission is talking about Tompkins County, New York
- ❖ The Committee would like to receive a chart showing the population at the Jail separating out State ready and parole violators. Sheriff Meskill said there is a big difference between State ready and parole violators. He said State Legislation requires the Sheriff's Department to house parole violators and it would require amending that legislation to change that.
- ❖ Information from other counties on what they would charge per bed if Tompkins County were to board-out prisoners.

- ❖ Mr. Koplinka-Loehr would like to receive an analysis of what factors affect the revolving door in and out of the Jail, and explore if there are ways the County could shorten or lessen incarceration periods.

Mr. Meskill said the cost of boarding out is \$75 to \$90 per day, in addition to overtime costs, transportation costs for vehicles, and vehicle maintenance.

Mr. Meskill said the Commission has made it very clear to him that if the County is not going to do anything to the building that the variances will be taken away. He stated one of the variances has existed since 1996 and the other since 1999.

A question was raised about what renovation of the facility means. Mr. Meskill said the Commission does not control the non-Jail side of the building. It does control how inmates are transported, however. Ms. McBean-Clairborne asked for clarification as to what approval the County needed from the Commission. Mr. Meskill said the County does not need Commission approval for doing any type of maintenance on the facility; however, any type of renovation or installation of any new mechanical systems requires Commission approval.

Ms. McBean-Clairborne said serious efforts are being made to address the Medicaid issue and perhaps with the closing of State prisons, it is time to bring State representatives to meet with the County Legislature. She said this issue needs as much energy as other issues are receiving. Mr. Joseph said he has been speaking to State representatives about this issue and has met with Senator Nozzolio who Chairs the Senate Public Safety Committee. He said he has also been working with Judge Olds on holding discussions with the Division of Criminal Justice Services and the Division of Parole in regard to a parolee re-entry program. Mr. Joseph said there has been positive feedback about the proposal which is based on the drug court model and anticipates support, including financial support to start this type of program. He said they know that unless something is done, all of the people Mr. Dentes referred to earlier will end up back where they started unless something is done differently. Mr. Joseph said the Senator also said he would speak with the Commission of Correction but he has not heard back on that.

Mr. Meskill noted there are 80 employees at the Sheriff's Department who provide the services. He said there are design inefficiencies that prevent them from doing their job in all areas in the building.

Ms. Blanchard said some possible alternatives will be developed and circulated prior to the next meeting.

Assigned Counsel Program

Mr. Stolp reported that the number of attorneys accepting assignment has dramatically risen since the beginning of the year. He also said they have explored the possibility of engaging in a contractual relationship with the Dryden Town Court; however, rejected four bids because they did not produce a cost effective option at this time.

Department of Emergency Response

Mr. Shurtleff said last year the State Legislature created over the Governor's veto, an expedited wireless 911 fund for the purpose of advancing monies to counties to make them phase I and phase II compliant so that data can be received from the wireless companies that allows them to identify wireless calls. Mr. Shurtleff said this is a \$100 million fund, and he was appointed to serve on the Board which has been working on setting up requirements for receiving cellular calls and setting up parameters for the funds. He said he has no idea how much grant money will be provided to counties so it is imperative that Tompkins County gets an application in as soon as possible. He said timing is of great importance

because a number of the system components they are working on for the Emergency Response Center are items that will help them attain Phase I and Phase II capability.

Mr. Shurtleff also reported on Homeland Security funding and said he previously was authorized to apply for exercise training monies. He said there has never been any real direct dollars come to the County-level from the State other than through the Health Department. He stated the first round of funding received was for \$9,000 which helped to fund an exercise a year and half ago; the funding discussed in December will help offset expenses incurred in the September, 2003 exercise and some in the next year. Mr. Shurtleff said he has been notified there are two programs available which would provide \$30,000 (law enforcement training grant) and \$100,000 (homeland security grant). These funds would be provided up-front rather than on a reimbursement basis. He said would like to dedicate half of the funding towards training initiatives for emergency responders and the other half to help with issues such as inneroperability with the communications project.

Mr. Shurtlff also reported a problem occurred with the communications system this week that he believes has been resolved. The situation had to do with a generator that was located near propane tanks on the top of a college building. He said with the help of County Facilities, that generator has been relocated to another location.

Update on Emergency Response Center

Mr. Whicher reported the Emergency Response building is near completion and they are waiting on the phone switch. In the next phase a determination will be made on what system will be deployed; this issue is being discussed by the Communications Capital Projects Committee.

It was MOVED by Ms. McBean-Clairborne, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the following resolution and submit to the full Legislature.

Mr. Meskill said he has been a member of this Board for over ten years, he expressed concern with the language pertaining to the definition of a quorum being one-third of the membership. He suggested this be amended to one-half. He also suggested that this board be divided into two separate boards. Ms. Cook said there have many attendance problems and that she hopes this will encourage people to attend. She also stated items on agendas requiring action will be highlighted.

RESOLUTION NO. - APPROVAL OF AMENDED BYLAWS OF THE TOMPKINS COUNTY CRIMINAL JUSTICE ADVISORY/ALTERNATIVES TO INCARCERATON BOARD

WHEREAS, the Tompkins County Criminal Justice Advisory/Alternatives to Incarceration Board's bylaws have been revised to reflect changes required by New York State Executive Law Article 13-A § 261 (2), now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the bylaws for the Tompkins County Criminal Justice Advisory/Alternatives to Incarceration Board be and hereby are approved,

RESOLVED, further, That a copy of the revised bylaws shall be kept on file with the Clerk of the Legislature.

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Committee Goals for 2004

Ms. Blanchard said she and Ms. McBean-Clairborne compiled the following goals for the Committee for 2004. She asked members to review these goals and to provide feedback.

1. Refine the methodology used for evaluation of the Day Reporting Center and complete a definitive evaluation of this program that includes all associated costs.
2. Resolve issues with Commission on Corrections and determine the future of the Public Safety Building.
3. Make a determination regarding continuation of the Assigned Counsel program in its present form, establishment of a Public Defenders office, or some combination of both.
4. Discuss the benefits and costs of the road patrol prior to budget development. (This program of the Sheriff's Office is routinely brought up as a non-mandated service during budget discussions. We need to have a discussion about the service and clarify the Legislature's position on providing the service)

Park Foundation Grant

Mr. Whicher presented the Committee with information on a grant from the Park Foundation in the amount of \$39,072 for the purpose of maintaining the County's close working relationship with two treatment partners, the Alcohol and Drug Council of Tompkins County and Cayuga Addiction Recovery Services. All of the 120 or so participants in the three drug courts are clients of one agency or the other. Since the opening of each drug court, these agencies have assigned liaisons to participate in weekly case review meetings and provide reports on the progress of our participants. Funding for these positions has been provided by a combination of state and county funds. However, the County funds for this purpose were deleted in the 2004 County budget and the state funds will run out at the end of June, 2004 and are not going to be renewed. If this request is approved the services provided by our liaisons will be reduced but not eliminated. Total elimination would seriously impact the workings of each of our programs.

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. McBean-Clairborne, and unanimously adopted by voice vote, to authorize Mr. Whicher to accept and sign an agreement upon receipt.

Appointment(s)

The following appointment(s) were unanimously approved by voice vote on motion of Ms. Robertson and seconded by Mr. Koplinka-Loehr:

Criminal Justice Advisory/Alternatives to Incarceration Board

Martha Robertson - County Legislature representative - term expires December 31, 2004 (to be amended at next meeting)

Advisory Board on Indigent Representation

Michael Koplinka-Loehr - Legislature member - term expires December 31, 2006

George Totman - Legislature member - term expires December 31, 2006

Local Emergency Planning Committee

Leslyn McBean-Clairborne - Chair designee, Public Safety Committee

Daniel Winch

Tim Joseph (Chair serves as ex-officio)

STOP-DWI Advisory Board

Barbara Blanchard - Public Safety Committee Member - term expires December 31, 2006

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Traffic Safety Board

Barbara Blanchard - Public Safety Committee member - term expires 12-31-04
George Totman - Public Safety Committee member - term expires 12-31-04
Michael Koplinka-Loehr - Public Safety Committee member - term expires 12-31-05
Leslyn McBean- Clairborne - Public Safety Committee member - term expires 12-31-05
Martha Robertson - Public Safety Committee member - term expires 12-31-06

Emergency Communications Review and Oversight Committee

George Totman - Public Safety Committee member - term expires 12-31-04

Liaisons

Advisory Board on Indigent Representation - Michael Koplinka-Loehr, George Totman
Family Court Advisory Council - Martha Robertson
Fire, Disaster and EMS Advisory Board - George Totman
Emergency Communications Oversight and Review Committee - George Totman
Criminal Justice Advisory/Alternatives to Incarceration Board - Martha Robertson (to be amended at next meeting)
STOP-DWI Advisory Board - Barbara Blanchard
Magistrates Association - George Totman
Local Emergency Planning Committee - George Totman
Offender Aid and Restoration - Kathy Luz Herrera
COMCAP - Barbara Blanchard

Approval of Minutes

It was MOVED by Ms. Robertson, seconded by Ms. McBean-Clairborne, and unanimously adopted by voice vote, to approve the minutes of November 11 and 20, 2003 and January 6 and 20, 2004. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office