

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

Present: B. Blanchard, S. McBean, G. Totman, M. Robertson, M. Koplinka-Loehr  
Legislators: T. Joseph, D. Kiefer  
Staff: S. Whicher, J. Hughes, S. Cook, L. Shurtleff, W. Skinner, A. LeMaro, P. Meskill, J. Jurkovich, J. Vitale, D. Wolf  
Guests: A. Tutino, Ithaca Journal; R. Steincamp, WHCU

**Called to Order**

Ms. Blanchard called the meeting to order at 2:03 p.m.

**Changes to the Agenda**

The following items were added to the agenda:

Resolution: Authorization to Accept a Grant from the State of New York Governor's Traffic Safety Committee for the Impaired Driving Deterrence Program  
Update: Assigned Counsel Program

**Probation Department**

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

**RESOLUTION NO. - AUTHORIZATION TO ACCEPT A GRANT FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE IMPAIRED DRIVING DETERRENCE PROGRAM**

WHEREAS, the Probation and Community Justice Director has been notified of a grant award from the New York State Division of Criminal Justice Services in the amount of \$44,500 and referred to as the STOP grant, and

WHEREAS, the STOP grant represents a collaborative effort between Tompkins County, Cayuga Medical Center, The Advocacy Center of Tompkins County, and Cornell University Police Department, and will fund the Sexual Assault Nurse Examiner (SANE) program, Rape Aggression Defense Training, and a lock change program for victims of domestic violence and sexual assault, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County accept the STOP grant of \$44,500 to be used for the purpose of the aforementioned campaign and the County Administrator or his designee execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is directed to make the following adjustments to his books for 2004:

**BUDGET ADJUSTMENT:**

Revenue:	A3996.43389	State Aid	\$44,500
Appropriation:	A3996.51000	Payroll	\$ 5,000
	A3996.58800	Fringes	\$ 1,950
	A3996.54332	Books	\$ 100
	A3996.54442	Professional Services	\$37,450

**SEQR ACTION: TYPE II-20**

\* \* \* \* \*

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

**RESOLUTION NO. - URGING THE STATE OF NEW YORK TO REPEAL OR REFORM  
THE ROCKEFELLER DRUG LAWS**

WHEREAS, this May 8<sup>th</sup> will mark the 31<sup>st</sup> Anniversary of the Rockefeller Drug Laws in New York State, and

WHEREAS, the Rockefeller Drug Laws have succeeded in filling our prisons without succeeding in reducing drug addiction and concomitant anti-social behaviors, and

WHEREAS, such drug policies have locked up thousands of nonviolent drug offenders and given the United States the highest incarceration rate in the world, and

WHEREAS, corrections spending nationally now consumes every one every fourteen tax dollars, and

WHEREAS, serious reform of these laws would not only be more humane and effective but would also save billions of dollars that could then be used for more important social needs, such as education, health care, and other law enforcement, and

WHEREAS, other states have taken recent action in this area:

Michigan has repealed its harsh mandatory minimum drug statutes and returned sentencing discretion to judges (projected to save more than \$40 million this year);

Washington State has new legislation to divert persons with drug problems from prison and reduce sentences for some drug offenses (estimated to save close to \$75 million and avert the need to build more than 2,000 new prison cells);

California's proposition 36 has steered more than 37,000 people struggling with drug problems into treatment instead of incarceration and saved California's taxpayers at least \$275 million in its first year alone;

and similar diversion strategies are underway in Arizona, Hawaii, Colorado, Texas, and Kansas, and

WHEREAS, on average, states have found that it is seven times less expensive to send a person with a drug law violation to treatment than to prison, and

WHEREAS, Tompkins County has tried at the local level, with our integrated Drug Courts, to include treatment as part of sentencing to the extent allowed by law, and

WHEREAS, Tompkins County is currently being told by the State that we must nonetheless build many more jail cells to accommodate what they project will be an ever-larger inmate population, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County calls upon our State Legislators to expeditiously repeal or to at least reform the Rockefeller Drug Laws to do away with mandatory sentences, restoring discretion to judges, and to institute policies and adequate resources that lead to effective addiction treatment and include skills training that enables drug offenders to reintegrate into society - and to use the money saved to cut the State deficit and help pay for health, education, and other needed services.

**SEQR ACTION: TYPE II-20**

\* \* \* \* \*

**STOP-DWI**

Ms. Jurkovich provided the Committee with a brief update on activities associated with the STOP-DWI Program. She said things are going well and at the present time she is spending approximately one day per week on this program since its transfer to the Planning Department. She anticipates as time moves forward and she is able to transfer responsibilities to the administration side of the Department, that she will spend less time on the program.

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the following resolution and submit to the full Legislature:

**RESOLUTION NO. - AUTHORIZATION TO ACCEPT A GRANT FROM THE STATE OF  
NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR  
THE IMPAIRED DRIVING DETERRENCE PROGRAM**

WHEREAS, the Tompkins County STOP-DWI Program applied for grant monies from the New York State Governor's Traffic Safety Committee in the amount of \$37,162.20 for participation in the statewide Impaired Driving Deterrence Program for October 1, 2003, through September 30, 2004, and

WHEREAS, the Tompkins County has been awarded a grant from the State of New York Governor's Traffic Safety Committee in the amount of \$28,429 for participating in the statewide Impaired Driving Deterrence Program, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County accept the grant of \$28,429 to be used for the purpose of the aforementioned program,

RESOVLED, further, That the Director of Finance is directed to make the following adjustment to the 2004 Budget:

BUDGET ADJUSTMENT:

Revenue	A4250.43089	Other State Aid	\$28,429
Appropriations	A4250.52220	Departmental Equipment	\$ 8,520
	A4250.54442	Professional Services	<u>\$19,909</u>
	TOTAL		<u>\$28,429</u>

RESOLVED, further, That the County Administrator or his designee be authorized to execute any contracts related to this project.

**SEQR ACTION:** TYPE II-20

\* \* \* \* \*

Assigned Counsel

Ms. Hughes reported that she has been notified by the State that there would be some reimbursement for assigned counsel costs for the new rate increase prior to 2005. She said she is optimistic that this will happen because she received a request for information from the State Comptroller's Office. She said in the first two months of 2004, the Assigned Counsel Program expended \$116,000 on the legal defense of indigents. She noted most of these expenses are based on the old rate. She will keep the Committee informed whether there will be reimbursement by the State for 2004 expenses.

Ms. Hughes reported Mr. Whicher and Mr. Stolp have come up with a plan to review the Department budget every three months. She said while the caseload has been steady, it has not been heavy.

Chair's Report

Ms. Blanchard reported she attended a STOP-DWI Advisory Board meeting and heard a report of that there have been a decline in arrests by all police agencies. She said this is the first glimpse of the impacts of budget cuts. She said agencies said officers can only be taxed so far with their regular duties before they lose their energy for proactive efforts such as this.

Ms. Blanchard provided the Committee with the following report relating to a meeting she had with staff from the Commission of Correction and with Jeff Buck of Jacobs Facilities. The following is an outline of that meeting. She noted she received a warm and sincere welcome from Commission staff and appreciation was expressed to her for taking the initiative to speak to them in attempt to find a common ground on the issue of the Public Safety building.

Purpose: To determine if there might be any compromise between the commission's recommendation for 160-bed capacity in the Jail and the 104-bed proposal submitted by the County.

Ms. Blanchard began by taking responsibility for crossed communications between October 30 submission to the Commission and letters of November 3 and 17. Further, cancelled meetings with Commission staff in December due to weather conditions in both Ithaca and Albany exacerbated the misunderstanding.

Ms. Blanchard outlined possible alternatives as the County currently sees them as follows:

1. Do nothing at all to the public Safety Building at this time. Treat all systems and issues as maintenance items and deal with them on a routine basis.
2. Develop a small-scale capital program in the \$5.0 - \$6.0 million range to replace failing systems and possibly make some interior improvements to the non-jail portion of the facility.
3. Move forward with a 104-bed capacity project without the Commission's approval and deal with the consequences.
4. Accept the Commission's recommendation for a 160-bed capacity solution. Question: Is there any room for compromise between alternatives 3 and 4 with the understanding that there may be no support at the County level for anything over the "104" solution.

Mr. Buck noted that the Jacobs design team was prepared to offer design solution to address concerns raised by Commission of Correction staff during the conference call review meeting in January. He showed some sketches developed to demonstrate how these issues could be addressed. Mr. Buck also reminded all present of the County's commitment to alternative programs which, unlike some jurisdictions, is a true commitment to these approaches rather than lip service.

The Commission of Correction offered full cooperation of the agency in working toward a mutually acceptable solution. Indicated that a phased approach to capacity building could be acceptable provided there was substantial indication of intent to follow through. Critical element is an agreement on what Phase I would include in terms of bed capacity.

General discussion ensued covering various items that affect Jail population. Comments covered:

1. Anticipated impact of homeland security activities that would likely increase the number of Federal inmates in State prisons exacerbating already overcrowded situation.
2. Rockefeller Drug Laws reform measures that will result in fewer sentences of 1 to 3 years in State prison and more sentences of around one year in local jails.
3. Inability to predict peak populations accurately as opposed to predictability of some years ago.
4. Population ages out of the system now rather than being rehabed out of the system.

Guiding principles:

1. 80% capacity rules - 20% needed for classification, not negotiable.
2. Possible to consider 25% for double-celling if cells are built to standard size and if a double-celling plan is in place. This would NOT be considered a variance under these conditions.
3. Development of the entire bid package would be evidence of good faith even if a project is phased.
4. A first phase with capacity of approximately 136 beds would be viewed favorably by Commission staff.

When asked if the County needs to attend the scheduled March 24 meeting with Commission staff, Ms. Blanchard responded that the County does not need to attend that meeting given that an additional option is on the table and time will be required to review this.

Ms. Blanchard distributed copies of her statement, in addition to drawings from Jacobs of four options, and a copy of a letter from the Chairman of the Commission. She also distributed copies of a letter to Mr. Whicher from the Director of Operations of the Commission.

Ms. Robertson thanked Ms. Blanchard for making the trip and for putting all of this information together.

Mr. Koplinka-Loehr asked if the County could build for 104 as a first phase towards 136. Ms. Blanchard responded that would not be acceptable to the Commission and that it is important to distinguish between capacity and the number of cells.

Ms. Blanchard asked the Committee how it felt about a capacity of 136 and whether there was a desire to explore this option further. Mr. Joseph said if the Committee were to feel it did not want to pursue building, it has an obligation to present all the information to the full Legislature. He said he would like to see this Committee bring choices to the full Legislature that would range from construction options of building to a capacity of 136 and to doing nothing.

Mr. Koplinka-Loehr stated he can only support a phased approach to a capacity of 104.

Mr. Meskill said the Commission clearly stated it wants 104 new beds plus remodeling the existing 32 dorm beds, bringing the total to 136. He said his interpretation of the letter is that up to 25% of the new cells could be large enough for double-celling. Mr. Meskill said the Commission has made it clear that it will not accept a design for 104 beds and that it is a waste of his time and his staff's time to continue working on that option. Mr. Joseph also stated the Commission has made it clear that they will not accept a jail design for a capacity of 136.

Ms. Cook suggested using data that is available on kids who are already in the system to determine what impact they will have on the inmate population in the future. Ms. Hughes noted that among the people she has seen during the last few years, only 7-8 were affected by the Rockefeller Drug Laws.

Ms. Robertson stated the recommendations from the Commission reflect some greater flexibility but she still does not believe Tompkins County needs to meet the capacity set by the Commission. Mrs. McBean-Clairborne said she needs time to consider the information presented today. It was also suggested that information on how many local cases have been sentenced under the Rockefeller Drug Laws be obtained prior to the next meeting.

Other suggestions for the next meeting included:

- Invite Jacob's Facilities representatives to discuss design options that can accomplish a "middle-ground" position and answer questions about architecture
- More information about questions that were noted in February 5 minutes
- Information on boarding-out costs and what they would be

### **Appointment(s)**

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the appointment of Olan Mack to the Criminal Justice Advisory/Alternatives to Incarceration Board as the Offender Aid and Restoration representative for a term expiring December 31, 2006.

### **Approval of Minutes of February 5, 2004**

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote, to approve the minutes of the February 5, 2004 meeting. MINUTES APPROVED.

### **Liaison Assignments**

The Committee reviewed and made changes to 2004 liaison assignments. The following assignments were agreed to by the Committee:

**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  
**Criminal Justice Advisory/Alternatives to Incarceration Board** - Barbara Blanchard  
**STOP-DWI Advisory Board** - Barbara Blanchard  
**Magistrates Association** - George Totman  
**Local Emergency Planning Committee** - Leslyn McBean-Clairborne  
**Offender Aid and Restoration** - Kathy Herrera, Michael Koplinka-Loehr (backup)

### **Pharmacy Services - Public Safety Building**

Mr. Meskill distributed copies of a information relating to purchasing pharmacy services at the Tompkins County Public Safety Building. He briefly explained the procedure and said he would be happy to answer questions members may have after reading the material.

### **Next Meeting**

The next meeting will be March 30<sup>th</sup> at noon. That meeting will be dedicated to a discussion of the Public Safety Building.

### **Adjournment**

The meeting adjourned at 3:32 p.m.

Respectfully submitted by Michelle Pottorff, Legislature Office