

Public Safety Committee
March 6, 2003
2 p.m.
Scott Heyman Conference Room

Approved 3-20-03

Present: B. Blanchard, K. Herrera, M. Robertson, G. Totman
Excused: L. McBean
Staff: S. Whicher, J. Hughes, P. Meskill, S. Robinson, R. Stolp, A. LeMaro
Guests: O. Mack, OAR; Judge Rowley; Judge Sherman; P. Myers, Citizen; D. Higgins, Ithaca Journal;
Board Members: D. Kiefer

Call to Order

Ms. Blanchard called the meeting to order at 2:04 p.m.

Assigned Counsel Program

Ms. Hughes introduced Bob Stolp, Supervising Attorney for the Assigned Counsel Program. The office staff consists of herself and an Administrative Assistant who each work a 35-hour work week. The Assigned Counsel Program is a mandated program and is entirely funded by local tax dollars. Ms. Hughes distributed a packet of information and explained the procedures the Office follows to process an application.

Once an application has been completed, the applicant must provide proof of income. If an applicant is on Social Security Disability, receives public assistance, or is incarcerated they are immediately eligible for an attorney. In cases where someone is in jail, their goal is to get them released as soon as possible; however, they must provide proof of income of all household members once released in order to continue to receive services. Mr. Stolp noted the Assigned Counsel is notified immediately when someone is being processed to be placed in Jail. Ms. Hughes presented the income guidelines the Program uses in determining client eligibility and a list of participating attorneys. If an individual is declined representation by Ms. Hughes, they are offered an opportunity to appeal to Mr. Stolp.

Ms. Hughes stated the Assigned Counsel Program deals with family court as well as criminal court. Family court cases account for approximately 35 percent of their caseload. The Program deals with 8 to 15 clients on a daily basis and receives 40 to 50 phone calls per day. Ms. Hughes said there is a tremendous amount of administrative work that is required because of the requirement to track everything. To date, there have been eight Class A Felony cases assigned. These types of cases are assigned by Mr. Stolp.

At the present time attorneys are paid \$40/hr. for in-court charges and \$25/hr. for out-of-court for all criminal and family court cases. The proposed rates in the State budget are \$75/hr. for felonies and family court, and \$60/hr. for misdemeanors across-the-board. Mr. Stolp said it is his understanding that if this increase is approved, the State will pick up half of the increase cost. Ms. Hughes said once a case is over the attorney submits a voucher that is reviewed by the Judge and sent to the Assigned Counsel Program. Upon review and approval by Mr. Stolp the voucher is then processed for payment. During a discussion of the rates it was suggested that although legislation would be required, that there be further investigation into the possibility of a sliding fee scale or a co-pay to allow for more flexibility in helping individuals and operating their program.

Program statistics showing expenses and a breakdown of the number and types of cases handled were distributed and reviewed with the Committee. Expenses for 2002 were \$706,757.

Ms. Hughes expressed her strong support for the Assigned Counsel Program and stated it is important that adequate representation be provided to clients. Mr. Stolp noted that in 30 years only one case was overturned by the Appellate court because of incompetent counsel. Although they always continue to seek qualified attorneys, they presently have a good number of attorneys to select from. The program answers to 16 courts, two family court judges and two county court judges, all the town and village courts, and the County.

Ms. Hughes commented the Family Treatment Court and the Felony Drug Courts are exceptional programs and believes they are working. She noted these are not part of the alternative to incarceration program.

Ms. Blanchard asked about the cost for specialized services (e.g. expert witness, testing). Mr. Stolp said this entirely up to the judges, who can approve things such as a special investigator or a psychiatrist. The County is required to pay these expenses also. Mr. Stolp said he believes that some of the psychiatric work that is ordered should be by the County's Mental Health Department. At the present time the courts are using private psychiatrists and counselors and the Assigned Counsel is absorbing those costs.

Judge Rowley said he believes there is a difference of opinion about whether the Mental Health Clinic is the appropriate place to perform those evaluations. He said although it would seem logical for them to provide that service, the Mental Health Department does not feel they can provide the service. He said he has encountered problems in the past; however, as currently situated they are not able and possibly not willing to provide to do the kinds of evaluations the court needs for complex family court cases. Judge Rowley said this may warrant further looking into. Ms. Robertson, Chair of the Health and Human Services Committee, will follow-up on this with Mr. Whicher and the Mental Health Commissioner.

When asked what challenges she foresees for the program in the future, Ms. Hughes said although she strives to stay within the parameters of the budget for the program she doesn't think that will continue to be possible. She expects expenses for this year to rise dramatically because of the number of high profile crimes that have been committed. She said the Assigned Counsel Program has a very small staff and it is extremely difficult at times to accomplish the work required to operate the program.

Ms. Blanchard thanked Mr. Stolp and Ms. Hughes for attending and providing the Committee with the presentation. Ms. Blanchard said during 2003 departments would only need to report to the Committee when there are statistics, funding issues, or matters that need the Committee's attention.

Committee Goals

Proposed Goals

The Committee agreed to accept the following list as goals for 2003. It was noted many of these are umbrella statements that apply to more than one program.

1. Make reasoned judgements on program priorities and budget requests through program evaluation.
2. Promote community understanding of our efforts to help individuals disengage from the criminal justice system.
3. Improve communication among the many individuals and organization involved in the public safety and criminal justice community.

4. Make an informed decision regarding the future of the Public Safety Building, its core needs and capacity issues.
5. Communicate effectively with the full Board on issues that come before the Committee.
6. Resolve resource allocation issues for the Domestic Violence Prevention and STOP-DWI programs.

To achieve these goals, we must:

1. Develop in-depth understanding of the programs for which we have oversight and the challenges/opportunities they present.
2. Evaluate all programs, both old and new, categorized as Alternatives to Incarceration and continue to develop ways to describe and present these programs.
3. Work with the CJAB/ATI to review its mission and objectives to develop this Committee's effectiveness and help it reach its potential as an advisory body.
4. Complete the Public Safety Building Work Plan and present its conclusions and recommendations to the full Board.

Local Conditional Release Program

Mr. Whicher reported one person has been appointed to the Local Conditional Release Program. There are two other individuals who have expressed an interest; one of which has begun application process.

Domestic Violence Prevention

Ms. Robinson said included in agenda packets is an abstract of a grant application that she has submitted to the Violence Against Women Office; a copy of the full application has been placed on file in the Board Office. She also reported she has submitted a small application to the Tompkins Charitable Gift Foundation for polaroid film for law enforcement to take pictures at domestic violence scenes. A copy of this application was distributed to all Committee members. Ms. Robinson reported that Joan Farbman of the Task Force for Battered Women, Judge Rowley, Judge Sherman, and she went to Elmira last week to be part of a video conference with Judge Shay to talk about the integrated domestic violence courts. She said OCA (Office of Court Administration) has identified Tompkins County where it would like to see this happen. A two-year grant has been applied for to fund part of this program. She said the biggest challenge with this new program is with the judges because they already have very full workloads.

Judge Sherman provided the Committee with an overview of the Integrated Domestic Violence Courts which Tompkins County is expected to have in place by the end of the year or early 2004. He said Integrated Domestic Violence involves bringing cases that are now connected with more than one court and consolidating them into either Judge Rowley or Judge Sherman's court. This would be triggered by at least a criminal charge involving domestic violence. If in addition to that criminal charge in the local or County court, there are pending also things such as a custody or divorce case involving the same people, those matters would be consolidated. He said the cases would be pulled from the town court or supreme court and bestowed upon County Court Judge Rowley or Sherman. Mr. Sherman said the concept they are trying to achieve is "one family, one judge" so that people with domestic violence issues don't have to go to several courts and deal with competing orders of protection and other problems. He said the concept of having one judge deal with all of a family's problems is one he agrees with; however, it will take time to resolve issues of how to implement this program and obtain resources.

Judge Sherman said these cases won't be treated in a team-like manner as the drug courts are, however, they hope to develop some type of follow-up activity. Judge Sherman said he thinks the basic problem will be how to identify these cases and the consolidation will occur. He said he and Judge Rowley will be attending training conferences to begin the process and the State has devoted a couple of people to putting the plan together in Tompkins County. He stated there are many instances where they already have these people in their courts and feels adding their town cases won't add a great deal of additional work. He said the problem will be with absolutely new cases that they would not otherwise have anything to do with, particularly matrimony cases.

Judge Sherman and Judge Rowley said although this change will result in additional work they are both supportive of the concept. In the coming months they will be learning more about how the program will work and what impact it will have on other programs. Judge Sherman said there is a two-year grant possibility to assist with a resource coordinator and victim advocate position.

Although Committee members expressed support for the concept of this program and breaking the cycle of domestic violence, concern was raised over the potential cost to the County.

Public Safety Building

Mr. LeMaro distributed a copy of the final Scope of Work, Work Plan Schedule, and Fee for Phases to all Committee members. Ms. Blanchard said action on these items will take place at the next meeting.

OAR

Mr. Mack submitted the following report:

"OAR has started the year, 2003, with new energy and optimism. We have hired a new Client Services Coordinator, Ms. Sonya Hicks. The filling of this position will allow OAR to continue to serve its clients at the Tompkins County Jail and their families. Ms. Hicks brings a wealth of positive energy and community activism. Ms. Hicks primary responsibility will be with Client Services but she will also work with the OAR Volunteer program.

"Since the hiring of a new Client Services Coordinator, there has been a definite upswing in the utilization of OAR by the clients of the Tompkins County Jail and their families. Requests for service continue to grow. The OAR Volunteer program is suffering currently from not having a dedicated coordinator, the committed volunteers continue to provide service to clients. OAR will continue to seek resources, both public and private to assist the Volunteer program.

"Although the service delivery model in terms of hallway access has not changed, the daily interactions between OAR staff and Tompkins County Jail staff have improved and can currently be classified as good. There was a glitch in the client direct line to OAR. OAR was being charged a collect fee per client call. This was a problem, which originated via the Tompkins County Jail phone vendor, which was a statewide glitch. The problem has been noted and addressed. The vendor has fixed the problem and will credit OAR for all calls."

Chair's Report

Ms. Blanchard reported she spent time visiting the Criminal Justice Center and also went to many of the local justice courts and received feedback about the usage of the Center. She also reported she attended several meetings on the coordination of things, such as STOP-DWI, Domestic Violence, and Alternatives to Incarceration.

Appointment(s)

It was MOVED by Ms. Robertson, seconded by Ms. Herrera, and unanimously adopted by voice vote by members present, to approve the following appointment(s):

Criminal Justice Advisory/Alternatives to Incarceration Board

Susan Hatch - Law Guardian representative; term expires December 31, 2004

M. John Sherman - County Court Judge; term expires December 31, 2003

Nell Mondy - Crime Victim representative; term expires December 31, 2004

Approval of Minutes

There was a discussion about the minutes of the February 20, 2003 meeting. Two sets of minutes were distributed prior to this meeting; one set prepared by County staff and another prepared by Jacobs. Although it was the Chair's intention to save staff time, a concern was raised that the minutes prepared by Jacobs' should not be used as a substitute for the set prepared by staff. It was suggested and agreed that staff would continue to prepare minutes and attach a copy of the Jacobs' document to them. This Committee will only be approving the content of staff minutes, not the content of the Jacobs minutes. Approval of the minutes of February 20, 2003 meeting were deferred to the next meeting.

Adjournment

The meeting adjourned at 4 p.m.

Respectfully submitted by Michelle Pottorff, Board of Representatives