

Public Safety Committee
May 18, 2009
2:30 p.m.
Scott Heyman Conference Room

Present: M. Sigler, J. Dennis, C. Chock, G. Stevenson
Excused: M. Robertson
Legislator: M. Koplinka-Loehr, N. Shinagawa
Staff: J. Hughes, Assigned Counsel; G. Potter, Information Technology Services; M. Lynch, J. Mareane, County Administration; P. Meskill, Sheriff; J. Mareane, M. Lynch, County Administration; G. Wilkinson, District Attorney; P. Buechel, Department of Probation and Community Justice; S. Cook, Chair, Criminal Justice Advisory/Alternatives-to-Incarceration Board; M. Pottorff, Legislature Office; S. Martel-Moore, Human Rights
Guests: D. Dietrich, OAR; K. Schlather, Human Services Coalition

Call to Order

Mr. Sigler, Vice Chair, called the meeting to order at 2:37 p.m.

Changes to the Agenda

There were no changes made to the agenda.

Chair's Report

Mr. Sigler had no report.

Sheriff

The Committee reviewed the Jail statistics submitted by the Sheriff. Ms. Chock asked if medical costs are higher than usual. Mr. Meskill said they are average and noted medication costs can cause fluctuations in the total expense.

Sheriff Meskill said his office is working on a new sex offender watch, registration, and management program that should be operational in sixty days. The benefits of the program are: more efficient program for staff to use, and it allows the public or vulnerable populations to register on a website and receive automatic notification of a sex offender in their area. It is all done based on the New York State requirements for disclosure and several neighboring counties have this standardized program. This will be one collection point for the public as every law enforcement agency will enter information. Ms. Wilkinson suggested the Sheriff explore liability information in the event someone in another policy agency enters incorrect data. She said the Sheriff's Office should have an MOU with every police agency in the County that states they will allow DCJS (Department of Criminal Justice Services) to communicate with them and the Sheriff's Office simultaneously.

Sheriff Meskill spoke of the expense of the program and said at this time there is no financial contribution being requested from any other law enforcement agency. He sees this as a worthwhile investment that will save labor and time.

Ms. Wilkinson said as we move into the future where there will be more and more sex offenders living throughout the County in various places, people will have to face the realization that they are going to be accountable for their children's safety and not place the entire responsibility on law enforcement.

Department of Probation and Community Justice

Ms. Buechel reported on programs with the Department of Probation and Community Justice.

Intensive Supervision Program (ISP)

The ISP is one of the Department's oldest alternative-to-incarceration programs. Initiated by the State in 1979 to reduce reliance on State incarceration for felony level offenders, it was designed as an effort to improve probation outcomes by placing high-risk probationers in restricted caseloads where they could receive closer supervision and more extensive case management. In 1998, the focus of the program changed to that of providing an alternative sentencing option to the courts. Ms. Buechel said the goal of this program is to catch problems early; she noted those in the program who are unemployed are required to check in with their Probation Officer daily. People are generally in the ISP program for nine months to one year and are then transferred to a regular Probation Officer where requirements are less stringent.

39 high risk offenders entered the ISP program in 2008
53% of all participants in the ISP program completed successfully

ISP Caseload Characteristics:

- Maximum of 25 cases
- Two face-to-face contacts per week
- Two home visits per month
- Frequent collateral contacts (friends, therapists, etc.)
- Failures to comply are addressed immediately

2008 ISP Cases:

Sex Offense – 12%
Coercion/Assault – 24%
DWI – 21%
Property - 19%
Controlled Substance – 24%

Electric Monitoring Program

The Electronic Monitoring (EM) Program provides 24-hour home monitoring of an offender through the combined technology of an electronic bracelet and either a land-based telephone or cell tower technology. This is a cost-effective alternative-to-incarceration program for adults who pose minimal risk to the community, and it is used with juveniles as an alternative to detention. Ms. Buechel said changes in technology have now allowed the use of GPS and cell tower technology. She also noted that usage by juveniles has doubled since 2004.

EM allows a Probation officer to limit a probationer's free time out of the home and to closely monitor and verify his/her whereabouts in the community. The population for whom EM is available has been expanded with cell tower technology. Now, probationers without a stable residence or land-based telephone line can also be monitored. The use of EM for juveniles allows probation officers to limit a youths' free time out of the home, and closely monitor and verify their daily activities in the community.

EM costs as little as \$3.14 a day compared to the high cost of incarceration. Mr. Sigler questioned this cost of \$94.20 per month and whether it could be done at a lower cost. Ms. Buechel said there is always a possibility but it would require a renegotiation of existing contracts.

Electronic Monitoring can be used:

- On a pre-trial basis as an alternative to bail
- As a criminal court or family court condition or Probation
- As a sanction after sentencing
- As a disposition for a violation of Probation
- As a family court alternative to detention

The majority of the EM equipment used in Tompkins County contains GPS (Global Positioning Satellite) technology.

Community Service Programs

The Department operates several supervised community service programs for various populations. The benefits of community service are numerous. The participant gains work skills and self-esteem, and when ordered as a condition of probation or conditional discharge, the experience allows the participant to repay the community for criminal behavior. Over 40 worksites reap the benefits of the work provided.

SWAP (Service Work Alternative Program)

- Court-ordered alternative-to-incarceration program for adults who have been convicted of a non-violent crime;
- The number of hours to be completed range from 50 to 300 hours depending on the level of the offense;
- Completion of the program is a condition of a probation sentence or conditional discharge;
- Participants in the Drug Courts are ordered to SWAP as a sanction for non-compliance with program requirements;
- Participants in the Day Reporting Program are required to perform community service weekly through the SWAP program

The SWAP program has two full-time work Project Supervisor who operate shifts daily. They transport court-ordered participants to various not-for-profit work sites through the County and teach good work ethics and job skills. Most participants come to enjoy their community service and seem to take pride in doing positive work in the community.

In 2008:

- 31 individuals successfully completed the SWAP program
- A total of 3,980 hours of community service was completed by all SWAP participants

The Juvenile Accountability Community Service (JACS)

- Court-ordered program for the juvenile population adjudicated in the family court system as either a Person in Need of Supervision or Juvenile Delinquent;
- Participants are court-ordered to complete community service as a condition of their juvenile probation sentence and hours generally range from 12 to 100 hours.
- This program is intended to provide the youth with a way of repaying the community for their behavior and hopefully has them internalize the value of such service.

For the 2008 year, JACS participants performed a total of 897 hours of community service and 18 participants successfully completed the program. The community benefits from community services by saving taxpayers jail costs and returning thousands of hours of valuable work performed by volunteers. In 2008, the total hours of community service performed by participants in all programs were 6,647 hours of work in the local area.

LETSS Update

Mr. Potter provided the Committee with a brief history of the LETSS (Law Enforcement Technology Shared Services) group. The group was authorized in December 2008, to work with other criminal justice agencies and the Tompkins County Administrator in developing a governance structure that would be presented to the Public Safety Committee for review in August 2009. Mr. Potter said the group has been working on this, has been in communication with Ms. Robertson, Public Safety Committee Chair, and will be presenting a draft document to this Committee at the June meeting.

Other Public Safety Technology Projects

Mr. Potter reported on other projects the ITS Department is currently working on:

- Replacement of all of the servers (three) that are used to house all of the public safety data by law enforcement and other agencies in the County (This should be completed in one week.).
- A hold harmless statement among all of the police agencies that will allow for the shared use of the Live Scan devices in the County of which there are now three (Jail, Sheriff's Department Road Patrol, and the City of Ithaca Police Department).
- Digital Fingerprinting – to replace the traditional rolled fingerprint cards that go to the State. The units are in place and are up and running. Grant funding was secured and they were able to negotiate a price with the vendor to get two installed for the price of one. Mr. Potter said the only remaining thing left to do is to get signed agreements in place so that the villages can bring anyone to those locations and use the Live Scan devices.
- Starting to coordinate with the Department of Emergency Response to discuss the rollout of the mobile data system and requirements for law enforcement.

PAD Public Access Defibrillator Program Update

Ms. Martel-Moore distributed copies of draft document containing the next steps in the Public Access Defibrillation program. She said Dr. Klepack has been identified as the Medical Director for the program. Dr. Klepack has requested that the County obtain enough medical malpractice insurance to cover him. The next step is to notify the State Department of Health of the County's intent to create the program. There would also need to be a collaborative agreement between Dr. Klepack and Tompkins County.

Ms. Martel-Moore said an additional trainer needs to be identified since Carol Hill will no longer be employed by the County. Tina Murphy at Cayuga Medical Center has been identified as an additional trainer and there is a possibility of training employees who are already trained. There are several employees throughout several departments who already have CPR training. They will be trying to identify staff who are willing to participate in that program because there is a minimum of nine students per instructor. She said there are savings that can be achieved in training costs by utilizing existing staff.

Ms. Martel-Moore said they had thought there was funding to hire an outside electrician. This will be needed as the group has decided they would like to purchase AED units that have a dial-in to 911 included. She needs to speak with Mr. LeMaro, Director of Facilities, to determine what the additional cost would be.

Mr. Potter expressed concern because of the additional expenses that will be associated with the dial-in feature, both in terms of equipment and staff time to install. Ms. Martel-Moore will come back to the Committee once estimates are received on installing the automatic dialing devices.

OAR (Opportunities, Alternatives, and Resources)

The Committee reviewed information presented in the agenda packet. Ms. Dietrich noted the documents are draft and have not been approved by the OAR Board. She said OAR staff is seeing increased visits at the Drop-In Center and also a steady use at the food pantry. Staff are also working with individuals experiencing more housing-related issues. Ms. Dietrich said bails are tracking a little lower than they were for the first quarter of last year; however, bails seem to be set at a higher amount and they are encountering individuals who do not meet the bail criteria. Ms. Chock commended Ms. Dietrich on a very well-written document and recommended everyone take time to read it.

Ms. Chock requested information on the national prison system statistics and asked how the local statistics compare. Ms. Buechel said the national average is 1:31 persons have been incarcerated, on probation, or on parole. In New York that statistic is 1:53.

Oversight of OAR

This item was listed on the agenda; however, no member requested further discussion of OAR oversight.

Discussion – Ban on Cell Phone Texting While Driving

Mr. Shinagawa said he is asking the Committee to support a resolution that would request the State Legislature to enact a law to ban text messaging while driving. He said he understands there were some administrative and enforcement issues raised at the last Public Safety Committee meeting, however, he has strong opinions as to why he believes the State should enact legislation.

He said the main reason why there should be a State law or local law is to send a cultural message. Text messaging has only been around for a few years. In 2005, there were only 7 million text messages sent and that number is now 750 million messages sent. With any new form of communication there are no real cultural standards and he believes it is important to do so. He said having a state or local law will send a message to people that it is not a good idea to text message while driving. He said 66% persons ages 19-24 years of age surveyed stated they do text while driving but do not think it is wrong.

Mr. Shinagawa said there are three versions of legislation currently in the Assembly and two in the Senate and they are almost identical. All of the bills address the cultural aspect and in addition to setting a fine for those who are found guilty, there is a focus on education. Secondly, they mandate cell phone usage education on the hazards and penalties involved. Thirdly, they add questions on the driving exam; and fourth, they add a cell phone safety component to the National Safety Council's defensive driving courses.

Ms. Wilkinson questioned how the law would be enforced. Mr. Shinagawa agreed that it would be difficult to enforce. Ms. Wilkinson said she is very concerned with creating a violation under the VNT law for the sole purpose of trying to change culture. She said this would be a large burden on law enforcement and local prosecutors and until she can be convinced that there would be a realistic way to enforce it she cannot support this.

Mr. Stevenson said to create a local law would result in an unfunded mandate on local law enforcement. He would prefer efforts be directed towards education, and while he doesn't disagree with the arguments that have been raised in support, he believes the State should take the lead on this.

Ms. Chock said she would be in support of passing a law at either the local or State level even if it would be difficult to enforce. She noted there are a large number of individuals in Tompkins County who are in the target age. She stressed the importance of getting this into the consciousness of the younger generation.

Mr. Dennis also believes the State should take the lead on this. He also spoke of the loss of funding many driver education programs have incurred across the State and said the emphasis should be made on education.

Mr. Sigler said he opposes a law at either the State or local level because he thinks it is “legislating common sense”.

**RESOLUTION NO. – RESOLUTION TO MEMORIALIZE NEW YORK STATE TO ENACT
LEGISLATION RELATING TO TEXT MESSAGING WHILE DRIVING**

MOVED by Mr. Dennis, seconded by Ms. Chock. A voice vote on approving the resolution and submitting to the full Legislature resulted as follows: Ayes – 2 (Chock and Dennis); Noes – 2 (Stevenson and Sigler); Excused – 1 (Robertson). MOTION FAILED.

WHEREAS, Section 1225-c of the Vehicle and Traffic law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident, and

WHEREAS, the Tompkins County Legislature thinks that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion, and

WHEREAS, this Legislature thinks that this proposed legislation is desirable to avoid any further accidents, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature hereby memorializes the State Senate, Assembly and Governor to enact legislation to prohibit text messaging while operating a motor vehicle,

RESOLVED, further, That the Clerk of the Legislature is authorized and directed to immediately send certified copies of this resolution to Governor David A. Patterson, NYS Assembly Majority Leader, Joseph L. Bruno; Assembly Speaker Sheldon Silver; Assembly Minority Leader James N. Tedisco; NYS Senators James L. Seward, George H. Winner, and Michael F. Nozzolio; and Assemblywoman Barbara S. Lifton.

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Department of Emergency Response

Mr. Shurtleff reported they are in the process of demobilizing the old radio communications system. Those companies that are taking over the old microwave frequencies are required through the FCC (Federal Communications Commission) to reimburse the old license holder (Tompkins County) for their expenses in doing the relocation. He and Jonathan Wood, County Attorney, are in the process of negotiation with some of the companies for reasonable expenses related to that. This will provide some additional unexpected funds that will allow them to take down the old towers and move the old base stations.

He updated the Committee on the mobile data system. He said a sum of money had been reserved to do the overlay into the new communications system to run mobile data and electronic messages through the new microwave system at the new sites. Mr. Shurtleff provided an update on the following:

1. Upgrade to the Commuter Aided Dispatch (CAD) system that it all runs through as well as the proper radio frequencies it uses. The CAD system is the software that is used to maintain all of the databases in Emergency Response. He said as they have begun to look at the costs involved to do the upgrades, it is getting to a level he had not expected. Once this is done they will have the ability to activate a mobile data system within the current 800 mhz that allows them to send not only voice, but electronic data through the system and re-establish computer usage in the cars. This will allow them to perform many functions they haven't been able to do in several years. Mr. Shurtleff said they will also be looking at what stimulus monies might be available for broadband.
2. They are in the process of obtaining specifications for an alarm system receiver. Funding was set aside for this over 1 1/2 years ago and the amount is sufficient to make this happen. It is the last piece of the dispatch to get the systems all to be part of an integrated system. He said they will be putting this out to bid quickly.
3. The Training Center on Pier Road: Several years ago the County and the City entered into an agreement for the joint operation of the facility. During this time the operation costs for the Center have been split between both entities. The Center provides not only the City, but all volunteer departments in the County a location where they can perform fire training; it also is the location for the State and County-sponsored training courses. They are taking a look at the actual burn structure and will be moving towards replacement of the several decades-old structure. There is also a need to expand the classroom and neither entity has wanted to establish that as a funding project within budgets. They are examining ways to make the approximately \$80,000-\$100,000 project happen. There is a potential for member-item monies through Senator Winner's office; however, that has not been confirmed. The Fire Chief's Association has agreed to do a fundraising campaign for needed funds, Mr. Shurtleff has funds set aside for this, and the City will establish a capital project and funnel the funds through that with no expectation of additional funds from the County. Mr. Shurtleff said there are some entities, however, that would prefer the site be moved as they believe it interferes with one of the City's waterfront trails. He said it would not be practical for the County or City to relocate this training center.

Committee Calendar

Mr. Sigler reviewed the agenda items scheduled for the June meeting.

Appointment

It was MOVED by Ms. Chock, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the following appointment:

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Jeff Lydon – mediation services representative; term expires December 31, 2010.

Approval of Minutes of April 7 and April 18, 2009

It was MOVED by Mr. Stevenson, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the minutes of April 7 and April 18, 2009 as submitted. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:32 p.m.

Public Safety Committee
May 18, 2009

Respectfully submitted by Michelle Pottorff, TC Legislature