

**Public Safety Committee
June 15, 2007
3 p.m.
Scott Heyman Conference Room**

Approved 7-20-07

Present: L. McBean-Clairborne (excused at 4:10 p.m.), M. Robertson, M. Hattery, R. Booth, M. Koplinka-Loehr
Staff: G. Wilkinson, M. Barber, District Attorney's Office; P. Younger, S. Martel-Moore, County Administration; P. Meskill, Sheriff; J. Hughes, Assigned Counsel Program; M. Pottorff, Legislature Office

Call to Order

Mrs. McBean-Clairborne called the meeting to order at 3 p.m.

Public Comment

No member of the public was in attendance.

Changes to the Agenda

The item entitled "Discussion of Goals" was deferred to the next meeting.

District Attorney

Gwen Wilkinson, District Attorney, introduced Michelle Barber who leads the STOP-DWI program in the DA's Office.

Ms. Wilkinson distributed the following information on caseload and staffing statistics:

| <u>Cases</u> | <u>2006</u> | <u>2007</u> |
|----------------------------|-------------|-------------|
| Indictments | 150 | 78 |
| Justice Court | 988 | 457 |
| City Court | 826 | 340 |
| <u>Staff</u> | | |
| Full-time felony ADAs | 5 | 6 |
| Full-time local court ADAs | 2 | 1 |
| Half-time ADAs | 1 | 1 |
| Administrative Staff | 5 | 5 |

She stated during the last 1 ½ years the Office has tried to preserve maintenance of effort in the areas of prosecution that are of routine nature, i.e. violations of State law that occur within Tompkins County. The Office has also tried to re-establish a presence in the Community Treatment Court and get back involved with the Child Abuse Investigation Team. The caseload of child abuse cases over the last 1 ½ years shows a need for more focus in this area and they are attempting to keep this as a priority while maintaining the level of effort that has been expended in the past by the Office. Ms. Wilkinson said in terms of caseload and staffing, they are currently at a plateau and she doesn't see any reason to change that at any time in the near future. She said the utilization of administrative staff has allowed lawyers to manage caseloads at the present time.

Ms. Wilkinson said it is possible that she may come forward in the coming year to support applications of other law enforcement agencies, specifically the Sheriff's Office, with respect to staffing needs because of the investigative resources needed in certain cases. She said in order to effectively prosecute child sexual abuse cases there is a need to have extensive investigative work performed and there may not be adequate resources for this. .

Ms. McBean-Clairborne requested the Committee be provided with information on the number of cases the DA's Office is dealing with that end up in the Drug Treatment Court, Community Treatment Court, and Felony Treatment Court.

Ms. Robertson referred to Ms. Wilkinson's statement that in the future she may support a staffing request from another department or agency and asked for additional information. Ms. Wilkinson said there is a significant increase in the number of child sexual abuse cases being investigated, primarily by the Sheriff's Office. She said these are very time-consuming cases and she may be looking for more post-arrest types of investigation to prepare cases for trial. This is not a position she would support having in her office as she thinks it more appropriately would belong in the Sheriff's Office. No request for funding is under consideration at this time.

Ms. Wilkinson said one item she focused on in her campaign for the position of DA was the exploration of other areas of revenue to fund office programs. Taking over the STOP-DWI program has been successful in moving in that direction and the Office will also be looking at 313A forfeiture monies.

At this time an overview was provided of the STOP-DWI program. Ms. Wilkinson said these cases make up a significant portion of the cases the DA's Office prosecutes. She noted Tompkins County is rated seventh in the State for prosecution of DWI convictions.

Michelle Barber highlighted activities the STOP-DWI Program is presently focusing. Examples of areas are:

- Law enforcement – maintaining a high visibility
- Awareness/public education
 - Involved in after-prom campaigns (presence in schools)
 - Purchased airtime on radio and television stations, developed brochures
- Participating in victim-impact panel
- Examining fine-collection effort

176 DWI/DWAI Arrests

133 Males (76%)

43 Females (24%)

Number of DWI-related accidents – 54 (31%)

BAC Levels:

- Below .08% - 11 (6%)
- .08 - .17 – 85 (48%)
- Refusals – 22 (13%)
- Drugs – 7 (4%)

Arrests by Agency:

- Ithaca Police Department – 70
- New York State Police – 39
- Tompkins County Sheriff's Office – 38
- Dryden Police Department – 10
- Ithaca College Police Department – 6

- Cornell Public Safety – 5
- Trumansburg Police Department - 4
- Groton Police Department – 2
- New York State Park Police – 1
- Cayuga Heights Police Department - 1

Rollover (Detailed request attached to minutes on file)

It was MOVED by Mr. Booth, seconded by Ms. Robertson, to approve the District Attorney's request for Rollover funds—use in 2007, in the amount of \$25,866.

Ms. Robertson commented that she would prefer to have some type of explanation from the County Administrator in the comment section about why he recommends the use of these funds rather than an explanation of what accounts the funds are coming from.

Ms. Wilkinson said she anticipates the rollover being used to bring an Assistant District Attorney position from part-time to full-time will be sufficient through 2008 but is unsure whether there will be an over-target request in 2009 to continue funding the position.

A voice vote resulted as follows: Ayes – 5, Noes – 0. MOTION CARRIED.

Sheriff

Jail Stats

Mr. Hattery referred to the May Boardout Transport Summary and questioned whether one of the trade-offs to boarding out prisoners has reduced the presence of road patrol. Sheriff Meskill said Tompkins County generally uses Corrections Division officers to transport prisoners to other facilities and only in very rare circumstances has there been an impact on the road patrol.

Mrs. McBean-Clairborne asked the Sheriff what input he had as to why there is an increase in the number of child sexual abuse cases and whether there is more education that could be done. Mr. Meskill said New York State mandates that schools provide education. He said it is his opinion that the majority of the people committing these serious offences will not change by being educated on this.

Ms. Leinthall said one of the biggest concerns that exists today relates to Myspace.com. Mrs. McBean-Clairborne agreed, and stated a law enforcement officer conducted a presentation at GIAC on Myspace and many parents were shocked by what they observed.

Rollover (Detailed requests attached to minutes on file)

Ms. Robertson questioned the purchase of tasers that is included on the Sheriff's Rollover request, and said she is concerned with the safety of this equipment. Ms. Martel-Moore explained that some types of tasers have been banned. Mr. Meskill explained the protocol for using weapons and said this is a tool that helps officers avoid, if possible, the use of deadly physical force. *Ms. Robertson asked that the Committee receive an update on use of the tasers after a few months.*

Mr. Hattery asked why the County Administrator is recommending an amount that is different from the amount requested by the Sheriff. He also said he does not like seeing a department pay for ongoing operating expenses with Rollover. The Administrator was not present and no answer to the question was provided.

Mr. Koplinka-Loehr asked the Sheriff if the items on the list are things he would be requesting in his regular 2008 budget. Mr. Meskill said he would not because he uses the Rollover Policy as a super-motivator to manage the budget tightly all year-around. When there are extra funds the Department is able to make purchases versus going into a budget process and making substantial equipment requests. He said he doesn't feel he can request needed equipment during a budget process. Mr. Koplinka-Loehr said he is having difficulty distinguishing between what is necessary to run the Department's operations and what are enhancements.

Following discussion, it was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, to approve Rollover for use in 2007 in the amount of \$159,597 with the understanding the Budget and Capital Committee would receive an explanation as to why the County Administrator is recommending this amount be \$100,000. A voice vote resulted as follows: Ayes – 4; Noes – 1 (Hattery). MOTION CARRIED.

Assigned Counsel Program

Ms. Hughes reported that numbers are down; however, the severity of the crimes individuals are being represented for are of a higher magnitude. She said there are currently several high-profile cases that will cost hundreds of thousands of dollars collectively in 2008 if they proceed to trial.

A question was raised during a discussion of bail being posted by the parents of someone being declared indigent and whether the County was legally required to provide counsel. Ms. Hughes stated the County is required to provide counsel to anyone 16 or older who does not have income, regardless of the income of parents.

Ms. Hughes said the State Legislature changed this recently. New legislation states that you cannot deny eligibility for assigned counsel based on the parent's income. She said Syracuse and Onondaga counties do things differently, but that doesn't mean that it's right. Mr. Booth asked if Ms. Hughes bills parents for services provided and she said she does not because of the Article 18B County Law that was adopted. Mr. Booth said it does not make sense that the County is paying for legal services for children whose parent's can afford to pay. The Committee asked that Ms. Hughes provide additional information and that this be an agenda item at a future meeting.

Mrs. McBean-Clairborne was excused at 4:10 p.m.

The Future of Assigned Counsel

Ms. Hughes reported in March she, along with Ms. Martel-Moore and Seth Peacock, went to Albany to meet with a panel and with Judge Judith Kaye on the future of indigent representation. She said legislation has been drafted; however, it has not been finalized or forwarded to the State Legislature. Ms. Hughes said Judge Kaye's vision is to take over indigent representation across the State. Since this idea was first presented it was intended to take effect in the next 19 months, the time that Judge Kaye has left in her term. Since then, they have begun to work on a bill to extend the time that Judges can serve. It is being proposed that the age be extended from 70 to 75 years of age. Therefore, more time can be devoted to developing a plan for this transition. Ms. Hughes said there are still many details that need to be worked out; however, at the present time she is looking at proposing Tompkins County's program remain functioning close to the way it does not and request funding from the State to cover costs. Ms. Martel-Moore said Tompkins County's program runs well and is viewed as a model. She also noted it is one of the top ten in the State. The Committee will continue to be provided with information on this as it becomes available.

Rollover (Detailed request attached to minutes on file)

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the Rollover funds requested in the amount of \$1,776 for use in 2007 by the Assigned Counsel Program.

Department of Probation and Community Justice

No use of Rollover funds was requested for use in 2007.

Community Justice Center

Rollover (Detailed request attached to minutes on file)

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the Rollover funds in the amount of \$0.00 requested for use in 2007 by the Community Justice Center.

Report on Building Safety Issues

Ms. Leinthall reported there are some concerns about safety and security in the building that have developed. Some of the issues include individuals bringing weapons into the Human Services building, increased gang activity, and issues of the personal security of employees. Ms. Leinthall said she has been in discussions with other department heads in the building who also agree that the number and types of incidents are increasing. She said it is important that precautions are taken and that situations are dealt with cautiously and responsibly. She will continue to update the Committee.

Department of Emergency Response

Rollover (Detailed request attached to minutes on file)

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the Rollover request in the amount of \$129,407 for use of funds in 2007 by the Department of Emergency Response.

Mr. Hattery stated mismatches in grant years can be handled outside the Rollover Policy. He said Rollover monies should be targeted towards saving money or providing service. Mr. Koplinka-Loehr said "R" Accounts will be discussed at the next Budget and Capital Committee meeting.

Approval of Minutes of May 15 and 18, 2007

It was MOVED by Mr. Koplinka-Loehr, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the minutes of May 15 and 18, 2007. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:45 p.m.