

MINUTES

APPROVED 7-20-09

PUBLIC SAFETY COMMITTEE

JUNE 15, 2009 2:30 P.M. COMMUNITY JUSTICE CENTER

Present: M. Robertson, Chair; J. Dennis; M. Sigler; C. Chock; G. Stevenson

Staff: P. Meskill, Sheriff; D. Wright, City Police Department; S. Cook, Criminal Justice Advisory/Alternatives to Incarceration Board Chair; D. Dietrich, Opportunities, Alternatives and Resources; M. Barber, District Attorney office; P. Buechel, Probation and Community Justice Department Director; J. Mareane, County Administrator; E. Sommers, Community Justice Center; L. Shurtleff, Emergency Response Director; G. Potter, Information Technology Services Director; K. Moore, Information Technology Services; M. Koplinka-Loehr, Chair of the Legislature; M. Lynch, Public Information Officer; M. Ray, Finger Lakes Law & Social Policy Center, Inc., Shari Milgroom, GED teacher at CJC; Kathy Lind, Job counselor at CJC

Guest: Josh, former participant in Community Justice Center

Call to Order

The meeting was called to order at 2:30 p.m. following a tour of the Community Justice Center.

Changes to Agenda

The rollover request from the Probation and Community Justice Department was added to the agenda.

Other Business

Resolution – Text Messaging while Driving

It was MOVED by Ms. Chock, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval. Ms. Chock urged Committee members to support the resolution, however, she believes it does not go far enough and that Tompkins County should ban text messaging while driving. She circulated a cartoon from the New York Times illustrating an accident relating to text messaging while driving. Mr. Dennis said the State should take a look at this issue as he believes it will be a costly venture for counties to implement and hopes there would be some compensation from the State if a State law is adopted. Mr. Stevenson said his opposition at the previous Committee meeting was based on concerns raised by the Sheriff and District Attorney about the impracticality of enforcing a local law. He does not believe people should text while driving and if there is going to be legislation prohibiting it, it should come from the State. Mr. Meskill agrees the State should be the entity addressing the issue by making it a State Law.

A voice vote resulted as follows: Ayes – 4; Noes – 1 (Sigler). RESOLUTION CARRIED.

RESOLUTION NO. - RESOLUTION URGING PASSAGE OF STATE LAW REGARDING TEXT MESSAGING WHILE DRIVING

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 a crash, including fatalities, and

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

WHEREAS, the Tompkins County Legislature believes that a statewide ban on text messaging while driving is more effective than a patchwork of local laws banning the practice, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature hereby urges the State Legislature to adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, to reduce the potential of crashes caused by this distraction, and urges the Governor to sign such legislation,

RESOLVED, further, That the Clerk of the Legislature is authorized and directed to immediately send certified copies of this resolution to Governor David A. Paterson, New York State Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Senate Minority Leader Dean G. Skelos, Assembly Minority Leader Brian M. Kolb, New York State Senators James L. Seward, George H. Winner, and Michael F. Nozzolio, and Assemblywoman Barbara S. Lifton.

SEQR ACTION: TYPE II-20

Sheriff's Office

Rollover

Mr. Meskill distributed copies of a vehicle status and use report and budget information relating to budget concerns he has for 2010. Mr. Dennis asked what the Department's practice is for replacing vehicles. Mr. Meskill said 6-9 vehicles are replaced per year. Mr. Sigler asked if the recent bankruptcies changed the line of vehicles being purchased. Mr. Meskill said it has not, however, a letter was written to Pritchard Dodge concerning warranty work and where that may take place. He said the Department has been satisfied with the Dodge vehicles but he does need to address long-term issues. Mr. Dennis believes vehicle replacement should be part of the Department's budget and without relying on rollover money. Mr. Mareane spoke of his recommendation for the use of rollover in the amount of \$75,000 to purchase three road patrol vehicles. At this time, he is not recommending the purchase of the unmarked vehicle. There will need to be some very difficult budget decisions made in the fall and he believes that some decisions need to be postponed and revisited at that time. Ms. Chock said she would like to have more time to review the information distributed and understand the Department's needs before taking action and therefore would not support the request. In addition, she asked if hybrid vehicles were being considered; Mr. Meskill said these would not be hybrid vehicles.

It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, to approve and submit the following rollover request to the Budget, Capital, and Finance Committee for approval. A voice vote resulted as follows: Ayes – 4; Noes – 1 (Chock). MOTION CARRIED.

Three marked patrol cars (3113.52231) - \$75,000

Probation and Community Justice Department

Rollover

Ms. Buechel said she is requesting to replace two eight-year old copiers in the amount of \$5,500.

It was MOVED by Mr. Dennis, seconded by Mr. Sigler, to approve and submit the following rollover request to the Budget, Capital, and Finance Committee for approval. In response to Mr. Sigler's inquiry about equipment replacement plans for County departments, Ms. Robertson commented that equipment budgets were eliminated several years ago and department heads have been using rollover for equipment instead. Mr. Meskill spoke of the equipment plans Departments Heads developed in past years but there was never a schedule included and the plans were not utilized.

Ms. Chock again expressed concern that information was not available prior to the meeting. Mr. Mareane said he is in agreement with the Department's request for use of the rollover money.

A voice vote resulted as follows: Ayes – 4; Noes – 1 (Chock). MOTION CARRIED.

Purchase of copier – HSB (3141.52220) - \$800
Purchase of copier – HSB (3142.52220) - \$3,200
Purchase of copier – CJC (3160.52220) - \$1,500

Community Justice Center (Day Reporting) – Report

Ms. Buechel said the Day Reporting Program has existed since 2002 and explained how the program is run. Referrals are done by the various courts in Tompkins County and include drug court sanctions as an alternative-to-incarceration, a condition of Probation, part of a split sentence in lieu of incarceration, and parolees. It is an educational structured program, not a treatment format, with different classes and a set schedule five days a week from 9:00 a.m. to 3:30 p.m. Ms. Buechel distributed copies of the class schedule and demographic information and provided an overview.

Josh, participant in the Community Justice Center program, spoke about the importance of the program and what it did for him during his five-month involvement. He said he was treated equally as an individual and with great respect. After initially feeling it was just “adult day care,” he felt the program helped him turn his life around.

Ms. Sommers spoke further about the program and said she believes it is like a community for these participants who will often return to share how they are doing. She introduced Kathy Lind and Shari Milgroom who spoke briefly about the job counseling and GED programs and some of the barriers their clients face.

Review – 2003 ATI Program Evaluation Report

Ms. Robertson said she would like to update this study this year. Ms. Chock asked about the recidivism rate. Ms. Buechel said currently she is looking at those numbers and information concerning the participants from the Day Reporting program was recently sent to the State. Ms. Buechel said she has statistical information she could bring to the next Committee meeting that compares Tompkins County with other counties across the State. Ms. Robertson thought that would be helpful.

Ms. Robertson suggested a small subcommittee be assembled to begin looking at the report and how it could be updated including any changes that have been made to the various programs. The Committee agreed to this direction.

Resolution

Ms. Buechel explained the resolution and said the SCRAM (Secure Continuous Remote Alcohol Monitoring) unit monitors alcohol use 24 hours per day. It is a bracelet that is worn on the ankle and measures alcohol that is given off through the skin perspiration. A SCRAM vendor gave a presentation at a STOP-DWI Advisory Board and the Board approved the funding to purchase ten units at \$1,500 each and one year of monitoring. The funds being requested come from the DWI fines paid by those convicted of DWI.

Ms. Barber said the resolution is necessary to move the funds from the reserve fund to the departmental budget and commented the fund balance is over \$200,000.

In response to a question by Ms. Chock, Ms. Buechel said currently the drug courts are using "sobrieters" which is a device that is also installed in the person's phone line. It goes off at random times during the week and the individual is supposed to breathe into the device at that time.

It was MOVED by Ms. Chock, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature:

RESOLUTION NO. - APPROPRIATION FROM GENERAL RESERVE FUND FOR THE PURCHASE OF 10 SCRAM (SECURE CONTINUOUS REMOTE ALCOHOL MONITORING) UNITS FOR THE TOMPKINS COUNTY PROBATION AND COMMUNITY JUSTICE DEPARTMENT

WHEREAS, the Tompkins County STOP-DWI Program is providing the Tompkins County Probation and Community Justice Department with ten SCRAM (Secure Continuous Remote Alcohol Monitoring) devices and one year of continuous alcohol monitoring costs to monitor offenders, and

WHEREAS, a SCRAM unit is a bracelet worn on the ankle and monitors alcohol use 24-hours per day, and

WHEREAS, STOP-DWI fine money was collected and placed in to a reserve fund and is available for uses that promote public safety and offender accountability, and

WHEREAS, funds are intended to cover the full costs of the ten SCRAM units and one year of monitoring services at the cost of \$15,000 for the SCRAM units and \$19,345 for daily monitoring fee of \$5.30 a day, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for purchase of 10 SCRAM units and pay for one year of monitoring services:

FROM: A4250	Reserve Fund	\$34,345
TO: A4250.52220	Departmental Equipment	\$34,345

RESOLVED, further, That the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-20

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Sheriff's Office

Report

Mr. Meskill said, as he reported at the last meeting, he sent a letter to the Commission of Corrections regarding the reinstating the variances to allow 18 additional double-cell beds. Although he has not seen a formal response, he believes that a formal evaluation of the jail will be done next week and following steps including a hearing, a decision will be made on whether a variance will be reinstated.

Mr. Meskill also spoke about his concerns with the budget cuts being recommended. The cuts are more dramatic than the 6.25% being proposed and he believes it is closer to a 10-15% cut. He is meeting with the County Administrator to discuss this issue further following this meeting. Mr. Mareane said these cuts are related to the way fringe benefits are calculated. He has supplied information on this and will continue to discuss the budget issues with departments and the Legislature.

Criminal Justice Advisory/Alternatives to Incarceration Board

Ms. Cook reported that at the last advisory board meeting the village magistrates attended and spoke about alternatives-to-incarceration programs. She was surprised to learn that they did not know as

much about the programs as originally thought. Ms. Buechel has agreed to go out and meet with them and provide information on the programs, including available options.

LETSS Program

Mr. Potter said the final step is the review and approval of the bylaws and intermunicipal agreement for the Law Enforcement Technology Shared Services (LETSS) Group. Since the information was distributed with the committee agenda, a few recommended changes were made to the documents and at this time Ms. Moore highlighted them. Mr. Koplinka-Loehr asked if consideration was given to have County Administration involvement. Mr. Mareane said Administration has been involved, including the development of these documents, and they will be involved with reviewing budgets and any planning proposals. Mr. Mareane believes that the Information Technology Services Department can represent the County's interest.

A copy of a proposed resolution to adopt the bylaws and agreement was distributed and discussed. The Committee agreed to add to the agreement, page 2, the following language: "...\$50,000 contingent on acceptance in the 2010 budget...".

Following further discussion, the Committee agreed to meet prior to the next Legislature meeting to approve the resolution adopting the bylaws and agreement, to allow time for a review of the documents from the County Attorney and any other staff as necessary and the inclusion of the recommended changes referenced earlier in the meeting.

Emergency Response Department

Update on Mobile Data Project

Mr. Shurtleff provided an update and explained some of the challenges he is having with the Mobile Data Project. He is in the process of demobilizing the old radio communications system and taking down the old equipment and structures on various sites that can no longer be used. The resolution of recording automatically the transmitting of status in the field units was completed a short time ago and the software is working well. Pilot testing is being done on the phase II wireless to receive the geographical locations of cell phone 911 calls. He continues to work on securing funding to replace the bubble air cascade system compressor unit.

Following the completion of the systems mentioned above, he will be able to make the necessary changes and replace all major components of the communications system. The only system for which a plan does not exist is the mobile data communications system. In the radio communications systems in previous years there were radio units in over 100 vehicles in the County that allowed the creation of computer data applications that provided a tracking system and showed where a law enforcement vehicle was located. This is an area that needs some more work, including identifying the proper radio communications frequencies and the operating systems and associated records updated to allow for the software. Mr. Shurtleff commented that \$1 million is reserved in the capital program to develop a mobile data system. In order to implement the mobile data functions the Computer Aided Dispatch system needs to be upgraded. He is looking at options and software vendors available and hopes to provide cost estimates in the next month or so and will report back to the Committee in July.

In response to a comment by Ms. Chock concerning Federal funding being available for broadband, Mr. Shurtleff said he is working on that in conjunction with the appropriate State offices.

Mr. Stevenson was excused at 4:23 p.m.

Local Conditional Release Commission

Ms. Ray said she served as a commissioner of the Local Conditional Release Commission from February 2003 to September 2005. The Commission was discontinued in September 2005 when the State Legislature let the law sunset. It has now been reinstated and the State is leaving it up to counties whether they want to do it. Ms. Ray shared background information about the Commission and said she believes it was a cost-effective program that also provided an opportunity for individuals to receive treatment. The individual must be in jail for 60 days before being considered through this program. She encouraged the Committee to look into it further.

Ms. Buechel said there is a parole investigation board and the process is very similar and three people were released through the program last year. At this time, Ms. Buechel provided statistical information from the Commission for the period of 2003-2005.

Ms. Buechel expressed her opposition to reinstating the program as she believes it is a big burden on her staff and available resources. She assured the Committee that by the time someone is taken to jail, they have been screened by the staff of the Probation Department and the alternatives-to-incarceration programs. She does not agree with going through the screening process at the time someone is going to jail and then again 60 or 90 days later, and then be put back on probation and starting the process all over.

Ms. Robertson thanked Ms. Ray for bringing this to the Committee and said this could be looked at again in a month or two.

Approval of Minutes

May 18, 2009

It was MOVED by Ms. Chock, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to approve the minutes of May 18, 2009, as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:44 p.m.

Respectfully submitted by Cathy Covert, Clerk of the Legislature