

**Public Safety Committee
July 6, 2006
3 p.m.
Scott Heyman Conference Room**

Present: L. McBean-Clairborne, M. Hattery, M. Robertson, M. Koplinka-Loehr (arrived at 3:09 p.m.)
Temporary Chair's Appointment: G. Stevenson
Excused: R. Booth
Legislator: T. Joseph
Staff: J. Vitale, P. Meskill, M. Dresser, Sheriff's Office; P. Younger, S. Whicher, J. Kippola, County Administration; A. Fitzpatrick, Personnel; G. Wilkinson, District Attorney; J. Hughes, Assigned Counsel; L. Shurtleff, Department of Emergency Response
Guests: Bill Furniss; Media

Called to Order

Mrs. McBean-Clairborne called the meeting to order at 3:02 p.m.

Changes to the Agenda

There were no changes to the agenda.

Comments from the Public

No member of the public wished to comment.

Approval of Minutes of June 1, 2006

It was MOVED by Ms. Robertson, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present and with Mrs. McBean-Clairborne abstaining as she was not in attendance at the June 1, 2006 meeting, to approve the minutes of June 1, 2006 as corrected. MINUTES APPROVED.

Department of Emergency Response

Dispatch Operations

Mr. Shurtleff updated the Committee on dispatch operations and said a meeting was held June 5th with the Mayor, City department heads, Chair Joseph, and Legislator Booth at the June 1 meeting. One of the stipulations in the Memorandum of Understanding was that meetings be held regularly to review progress. No major areas of concern were identified at that meeting; City department heads were asked to begin working with the County on developing performance measurements that will guide Dispatch. Mr. Shurtleff stated standard call reviews have been implemented over the last several months and they are beginning to see consistency in how things are being done from shift to shift. All call reviews are reviewed by Lin Hurd, Communications Center Manager.

Mr. Shurtleff reported emergency dispatch operations are beginning to engage in medical dispatch which will also be subject to call reviews. *A presentation on emergency medical dispatch will be provided to the Committee at a future meeting.*

Mr. Shurtleff reported the Department is in the process of hiring for the position of Data Specialist and Deputy Director of Emergency Response.

Communications Capital Project

Mr. Shurtleff stated they are in process of getting building permits issued this week to begin construction at all of the sites. The Town of Ithaca site will be handled separately. Mr. Wood, County Attorney, is working on converting options into leases.

Mr. Hattery raised an issue that came up at an advisory board meeting with regard to intermunicipal opportunities such as fire investigations and hazmat operations and possible liability issues that make it a significant impediment to volunteers crossing municipal boundaries. *Mr. Shurtleff will provide Mr. Whicher with a summary of what issues exist.*

Department of Emergency Response

Residency of Emergency Personnel

Mr. Stevenson requested the Committee discuss the issue of residency of emergency personnel and with regard to the current search for the position of Deputy Director of Emergency Response. He said the closer an employee in this position resides to the Department of Emergency Response the better it would be. Additionally, he said in many cases some departments use lateral transfers as opposed to hiring off Civil Service lists and feels that is a disservice to Tompkins County residents. He said in cases of hiring emergency personnel he would like positions first offered to Tompkins County residents or to an individual who agrees to move into the County within a stated period of time.

Ms. Fitzparick said there are two laws that govern the hiring of County employees -- Civil Service Law and Public Officers Law. There are certain designated positions in which an employee is required to be a resident of the County during the duration of that individual's employment. She also stated Civil Service Law allows the appointing authority to certify only names from a list who are residents of the County. If this is done, the restricted list must continued to be used first for the life of the list. She noted this will not ensure that an individual maintains residency in Tompkins County during their employment.

Mr. Koplinka-Loehr said he sees a balancing act of hiring emergency personnel who can respond quickly in times of crisis to having a broader net of qualified candidates. He said he would prefer the latter. Mrs. McBean-Clairborne said she could view such a proposal as conflicting with the County's diversity efforts.

Mr. Joseph said he does not believe the County should be telling people where they should reside and feels it would be very oppressive to do so.

Mr. Shurtleff said he shares many of the concerns expressed by Mr. Stevenson and although he hasn't seen all of the applications he does not believe there is a strong possibility of an out-of-County appointment for this position. He said if the issue of residency for employees is going to be looked at he would prefer that it is looked at across-the-board and not at one particular position. He said there are financial reasons why lateral transfers are in the County's best interest at times.

Mr. Stevenson did not wish to make a motion.

Ms. Fitzpatrick said the governing body of a municipality may by local law, establish requirements for employees to maintain residency of the municipalities while employed. Therefore, the establishment or maintenance of residency for employees is not under the authority of the Tompkins County Personnel Officer.

At the request of Mrs. McBean-Clairborne, Ms. Fitzpatrick will provide information on Tompkins County applicants and residency to the Public Safety and the Personnel Committees.

Sheriff

RESOLUTION NO. – CREATION OF A PETTY CASH ACCOUNT – JAIL

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

WHEREAS, the Tompkins County Jail is required to transport inmates to other county correctional facilities whenever the Tompkins County Jail is at maximum limit authorized for inmate housing, and

WHEREAS, the transport of inmates frequently involves out-of-pocket expenses for the custody and care of transporting inmates such as meals, and auto expenses, and

WHEREAS, reimbursement for such expenses can be accommodated most efficiently through a designated Petty Cash Account, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Tompkins County Legislature approves and does hereby create a five-hundred dollar (\$500.00) petty cash for Account Number A12103150.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. – APPROPRIATION FROM CONTINGENT FUND – CORRECTIONS CONTRACT SETTLEMENT

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

WHEREAS, Resolution No. 89 of 2006 authorized ratification of a three year agreement with Correction Officers Local 2062 , and

WHEREAS, the 2006 Budget did not allocate funds within the Jail Budget for salary adjustments, now therefore be it

RESOLVED, on recommendation of the Government Operations and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$200,855
TO:	A3150.51000406	Correctional Officer	\$124,200
	A3150.51000411	Corrections Sgt	\$ 14,400
	A3150.51000421	Head Cook	\$ 3,600
	A3150.51000403	Cook	\$ 2,300
	A3150.58800	Fringes	\$ 56,355

SEQR ACTION: TYPE II-20

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Inmate Phone Charges

Sheriff Meskill said in 1999, phone commission services for the jail were put out to bid. The Sheriff's Association helped to broker a deal with Verizon in which counties would receive a percent of the commission. The calculation is based on a NYS tariff charge and the current company charges ten percent less than the tariff rates and is substantially less than what would be received with the next available provider. At the present time commissions are down; he stated \$30,000 to \$36,000 was booked for last year; however, he expects the amount to be \$24,000 - \$30,000 this year. Mr. Meskill said Tompkins County offers something to its inmates that most other facilities do not. There is a list of attorneys and agencies to whom inmates are provided access at no charge. He said if the County were to do away with this phone service it would lose revenues and would end up paying for phone services in another way. The Sheriff said the current system is based on a package and any change in the plan would change the entire package.

Mr. Furniss, a local defense attorney, said he hopes the County will not do away with the current form of telephone access inmates have to their attorneys as he finds it very useful and valuable to both attorneys and inmates. He said when he speaks to inmates who are boarded out to other counties those charges are later billed to the Assigned Counsel Program. Ms. Hughes also said the access by inmates to the Assigned Counsel Program is valuable to both the County and the inmate.

Mr. Joseph said the cost that is incurred is to whomever is being called. If there is a desire to do something, the phone company should be contacted and asked if they are willing to lower the charges to users by the revenue that is received.

Mr. Meskill was unable to provide exact information on charges at this time; he agreed to provide the Committee and Legislator Kiefer with information on those charges at a later times.

Civilian Review Board

Mrs. McBean-Clairborne said she received a request from Legislator Kiefer to discuss where people go when they have concerns with regard to the Sheriff's Department. The Committee felt it would be helpful to obtain information from the City about how it handles these types of concerns prior to having a discussion. *Information will be obtained from the City and this item will be included on a future agenda for this Committee.*

Jail/Boardout Statistics

Sheriff Meskill provided the Committee with information on boardout costs to dates. The total amount expended for boarding prisoners to other counties to-date is \$292,038 of which the breakdown is as follows:

Boarding	\$248,105
Medical	\$ 10,558
Mileage	\$ 7,715
Labor	\$ 25,659

Sheriff Meskill stated the number of inmates boarded out to other facilities has dropped in the last week. At the present time 12-16 are boarded out. As the April statistics have not been received by the Committee, *Mr. Meskill said he will provide copies to members following the meeting.*

Department Activities

Sheriff Meskill reported on the 10-hour OSHA safety training class that was held last week. At the conclusion of the training approximately 25 inmates received certification which will help them with future employment.

He also reported he and two deputies traveled to the flood-impacted areas of Delaware and Broome County to assist with relief efforts. He stated there was an incredible amount of destruction and all of the people there were very grateful for the assistance being provided by other communities. He said he received valuable training in not only knowing what to do in the case of an emergency but also what not to do. Mrs. McBean-Clairborne said natural disasters are occurring frequently lately and noted Tompkins County will not be spared forever. Mr. Shurtleff said several personnel and pieces of equipment from Tompkins County were sent to the areas affected by flooding. He also noted that a great deal of effort has been done in the area of terrorism; however, there needs to be more emphasis placed on these natural disasters.

Assigned Counsel Program

Ms. Hughes said the Program has been located in the same space for the last 16 years and it has outgrown that space. One of the biggest reasons they began looking for new space was because there have been a couple breaches in security recently and the present office is isolated from other offices in the building. After investigating several options for alternate space Ms. Kippola, Contracts Coordinator, said she had spoken with Mack Travis who owns the current space to discuss another area in the same building that may be available. Mr. Travis has offered a rate per square foot that is reasonable in comparison to others and has also agreed to install a security camera and panic button in the new space. Although they will continue to explore other space that may become available Ms. Kippola said she anticipates a resolution will come before this Committee next month to approve the Assigned Counsel Program relocating from its current space.

Ms. Hughes updated the Committee on a proposal that is going to be considered by the State Legislature that would take over the legal defense of indigents from local governments. She said this is in the early stages and expects it to take a few years to reach a conclusion but will keep the Committee informed.

Ms. Hughes also distributed 2nd quarter statistics for the Assigned Counsel Program showing total costs to be \$351,685, compared to \$443,469 for the first quarter. She noted the large number of family court cases and said they are very expensive cases. The dynamics of these cases have changed over the years and are often now very complex and involve many different levels of services.

RESOLUTION NO. – APPROPRIATION FROM CONTINGENT FUND FOR TERMINAL PAY – DISTRICT ATTORNEY

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

WHEREAS, the District Attorney had two employees terminate employment: one Assistant District Attorney, effective June 15, 2006, and one Secretary, effective March 3, 2006, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal pay replacement from the Contingent Fund, now therefore be it

Public Safety Committee
July 6, 2006

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriations:

FROM:	A1990.54440	Contingent Fund	\$4,149.29
TO:	1165.51000228	Salary, Assistant District Attorney	\$2,139.77
	1165.51000330	Salary, Secretary	\$ 845.33
	1165.58800	Fringes	<u>\$1,164.19</u>
		TOTAL	

SEQR ACTION: TYPE II-20

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Liaison Reports

Ms. Robertson distributed information pertaining to "Opening Doors" The Challenges of Jail and Prison Re-entry Conference to be held August 14th at 8:30 a.m. in Rochester, New York.

She also reported on the creation of an out-of-school suspension program that is working its way through the schools. This project is being put together by BOCES and will be a full-day program at the Community School. At the present time the Ithaca, Dryden, and Lansing school districts are considering participating.

Appointment(s) to Advisory Boards

It was MOVED Ms. Robertson, seconded by Mr. Hattery, and unanimously adopted by voice vote to approve the following appointment(s) and submit to the full Legislature:

Criminal Justice Advisory/Alternatives to Incarceration Board - terms expire December 31, 2008
Julia P. Hughes - Assigned Counsel representative
Gino Bush - Ex-offender representative

Discussion of Joint (Regional) Jail with Cortland County

Mrs. McBean-Clairborne said correspondence was received from former Legislator Michael Lane asking that the Legislature considering reopening discussion on pursuing a joint jail facility with Cortland County.

Sheriff Meskill asked that before this discussion goes too far he would like to know whether the Legislature is interested in spending \$15 to \$30 million on a new jail facility. He expressed concern with spending a significant amount of time discussing a project that has no potential to move forward.

Mr. Joseph said this was looked at a few years ago and \$16,000 was expended on a consultant at that time on that effort. He stated he went back and reviewed the report from that effort and found the following conclusions:

- There were significant governance issues;
- There were issues surrounding who would oversee Jail administration;
- A question was raised as to who jail staff would work for and it was noted that there are major differences in pay scales for Cortland and Tompkins counties;
- It was not clear this could legally be made into a separate entity;
- There would be transportation costs, including time and cost; and

- A joint facility would restrict the overlapping use of personnel and equipment.

Mr. Joseph said it looked to him that the cost savings were not there. Also, without giving an explanation, the Cortland Sheriff stated he was not interested in participating in the discussion. Based on these reasons, Mr. Joseph said he sees no reason to reopen those discussions.

Mr. Hattery said discussions need to begin about planning for a new jail and with regard to the level of road patrol in Tompkins County. Sheriff Meskill said he would be fine having these discussions as long as it is made clear and there is understanding as to the purpose of these discussions as he does not want to exhaust resources for no reason. *Mrs. McBean-Clairborne and Mr. Hattery will meet to obtain clarity on the specific information he is looking for.*

Ms. Robertson said after listening to outcomes from the last study it appears there are many hurdles and a lot of difficult issues that would need to be examined. She also feels there are human and behavior issues that get worse in larger facilities.

A question was raised as to whether the estimated annual cost of a capital project for constructing a new jail included increased costs to programs such as the Assigned Counsel Program. *Mr. Whicher said the \$104/day figure did not specifically include the Assigned Counsel Program and that he would provide information to the Committee on what is included in that calculation.*

Mrs. McBean-Clairborne will communicate with Mr. Lane the Committee's comments and concerns with regarding to reopening discussion on a joint jail facility with Cortland County.

Ms. Robertson said the Criminal Justice Advisory/Alternatives to Incarceration Board will be presenting a report to this Committee at the next meeting on work that has been done by many participants throughout the criminal justice system.

Adjournment

The meeting adjourned at 4:52 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office