

Minutes
Public Safety Committee
Monday, August 17, 2009

APPROVED

Member Name	Title	Status
Martha Robertson	Chair	Present
Michael Sigler	Vice Chair	Present
Carol Chock	Member	Present
James Dennis	Member	Excused
Greg Stevenson	Member	Excused

Legislators: M. Koplinka-Loehr

Staff: P. Meskill, Sheriff; G. Wilkinson, District Attorney; P. Buechel, Department of Probation and Community Justice; D. Bodnar, DSS; S. Cook, Criminal Justice Advisory/Alternatives-to-Incarceration Board; J. Mareane, K. Sutherland, M. Lynch, County Administration; S. Martel-Moore, Human Rights Department; M. Pottorff, Legislature Office

Guests: D. Dietrich, V. Sykes, OAR

Call to Order

Ms. Robertson called the meeting to order at 2:30 p.m.

Changes to Agenda

The following resolution(s) were withdrawn from the Agenda:

Authorizing a Public Hearing on Proposed local Law No. a of 2009 – Amending Local Law No. 7 of 1993 – Imposing a Surcharge on Telephone Access lines to Raise Revenues for the System Costs Associated with the Creation of an Enhanced 911 Emergency Telephone System in Tompkins County

Adoption of Local Law No. a of 2009 - Amending Local Law No. 7 of 1993 – Imposing a Surcharge on Telephone Access lines to Raise Revenues for the System Costs Associated with the Creation of an Enhanced 911 Emergency Telephone System in Tompkins County

Appointments to the STOP-DWI Advisory Board and the Family Court Advisory Council were added to the agenda.

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Ms. Cook reported the Board is working on compiling information that will be included in the Annual Report. She said one of their mandates is to evaluate the ATI programs and Ms. Bodnar's work will be very useful in the Board's work to comply with that mandate. She spoke of the Rockefeller Drug Law reforms and said it is too early to determine what the impacts will be on the local system. Ms. Wilkinson said she thinks the most significant impact from the Rockefeller Drug Law reform will be on the Department of Probation and Community Justice. Ms. Cook reported a new restorative justice/victim impact subcommittee will begin to meet this week. This subcommittee was created in response to feedback received from communities, agencies, and magistrates who have said a lot of time is spent on offender services but little time is believed to be spent working on the victim side of the system. The next CJA/ATI meeting will be August 24th.

Sheriff's Office

The Committee reviewed July Jail statistics. Ms. Robertson noted daily admissions for June/July were 1.9 compared to 2.9 during the same period last year.

Sheriff Meskill reported the additional 18 beds for double-bunking are on order and should be delivered next week. He said procedures are in place and there has been training for staff. Upon arrival, staff from the Facilities Division will be installing the beds when they arrive. A question was raised as to when the waiver period begins – upon receipt of the notice of the waiver being approved or at the time when the Jail can officially begin double-bunking. Mr. Meskill said the waiver begins at the time it is issued by the State. Ms. Robertson asked if the Sheriff had any information on whether the State would extend the waiver beyond the six-month period. Mr. Meskill said he hopes the waiver will be extended but cannot predict whether it will be at this time. He said the Commission of Correction's opinion is that variances are a temporary solution to a permanent problem.

Alternatives-to-Incarceration Program Evaluation

Ms. Bodnar provided an overview to the Committee on her professional background. She said she has a PhD and has done a lot of research and program analysis. She has also completed her Masters Degree in Social Work and has been working at the Department of Social Services for three years. While working towards her degree she was a Substance Abuse Counselor at CARS (Cayuga Addiction Recovery Services) and also participated in the drug courts during that time.

Ms. Bodnar reviewed the outline provided in the agenda packet and spoke of the process of data collection. She said there are numerous sources of data and information available at the national, state, and individual levels and the American University is a clearinghouse of all evaluation reports. The Drug Court Institute put out a lengthy report a couple of years ago advising local districts how to do research on drug courts. She asked if there were any questions concerning the information she is collecting.

Ms. Chock said several months ago at a meeting the Committee spent time brainstorming questions and asked if it would be appropriate to review the list that was compiled. Ms. Bodnar said the most common questions asked are the following and this is what she will be focusing on.

- What is the impact on recidivism?
- What is the impact on substance use?
- What is the cost benefit ratio?
- What is the success and retention rate in the program?

Ms. Bodnar said she has already met with Ms. Buechel and will meet with judges and the CJA/ATI Board next week. She will also be conducting a survey of participants.

Ms. Chock questioned whether in looking at the impact of recidivism on a program if that information will then be compared to the recidivism rate of those who do not enter the program. Ms. Bodnar said that may be difficult to make a clear comparison and will depend on whether it will be possible to identify people who didn't go through a program, how they were tracked, and what the outcomes were. Ms. Robertson noted these are not the same populations. The group that chooses to go through the Drug Court, which is voluntary, is fundamentally different from the group that chooses not to. She said it would be difficult to come to any conclusions on the outcome because both groups didn't start with the same kinds of people.

Mr. Koplinka-Loehr asked that Ms. Bodnar keep the Public Safety Committee informed about cost assumptions (e.g. cost of incarceration, etc). He spoke of the time involved with this work and what work would be put on hold to do this. Ms. Bodnar said she expects to devote up to two days per week and a lot will depend on how accessible the data is. In terms of what work would not be done because of this she said her job is project driven and she doesn't know what projects she would be assigned to if she was not doing this work. She said she will be seeking assistance from interns and noted that she has some potential technical resources that are available to her.

Ms. Robertson said this work is being done in response to Legislator Proto's questions. She said following this Committee's discussion and decision to update Kathy Schlather's 2003 report she contacted Ms. Carey and Ms. Buechel. Ms. Buechel did not think it was appropriate for her staff to perform an evaluation of her Department; therefore, she approached Ms. Carey. Ms. Carey said she had already discussed this with Ms. Bodnar and had already placed it into her work plan because DSS had a very large stake in many of the involved programs.

Department of Probation and Community Justice

Drug Courts

Ms. Buechel said there are currently two drug court programs in Tompkins County. The Misdemeanor Drug Court began in 1998 and the Felony Drug Court began in 2000. Both programs are similar; however, the required period of sobriety is shorter in Misdemeanor Drug Court. The programs are designed to give high risk people intensive supervision along with the judicial monitoring. When someone is sentenced to Probation they see their Probation Officer and receive urine screens twice a week. The Probation Officer is out in the field very frequently working with spouses, family members, and employers. While they are looking at the substance abuse issues they are also looking at issues concerning employment, education, and mental health. Approximately once a week the individual has to appear before the judge and give a verbal report about how they have done the previous week. The judge also has a report from the Probation Officer. The Court will then sanction for non-compliance issues or provide positive feedback for behavior that is positive. The sanctions in the program are graduated and usually start out with lower sanctions for first offenses and work up to larger sanctions for more severe offenses.

Ms. Buechel said these programs work well because the Probation Officer has communication with the courts so when there are non-compliance issues the sanctions is an immediate review by the court. She noted that an individual has to be employed or enrolled in school full-time in order to graduate from the program; however, individuals are reviewed on a case-by-case basis and exceptions can be made if efforts are being made.

Since 1998, the Ithaca Community Treatment Court has had 160 participants graduate; since 2000 the Felony Treatment Court has had 95 participants. Each program currently has approximately 40 participants. There are two Probation Officers assigned to each court and each carry a caseload of about 20. It is important that numbers be kept low because these are intensive cases.

Ms. Robertson asked what the sanctions would be. Ms. Buechel said sanctions can include Day Reporting, community service, electronic monitoring, sobriety, and incarceration. The judge decides on the length of the sanction.

Ms. Buechel said the first priority in these programs is sobriety and treatment.

Evidence-based Practice

Ms. Buechel said evidence-based practice is putting into practice what has been proven statistically to work. Previously, when someone was placed on probation a short form was completed that didn't have a lot of value statistically. They now use COMPAS (Correctional Offender Management Profile for Alternative Sanctions). This is actuarial pre-trial risk assessment that has been approved by DPCA (Division of Probation and Correctional Alternatives). It addresses the person's recidivism and violence as well as to identify their criminogenic needs. She distributed copies of an actual questionnaire used by the Department for an individual whose name was removed and explained how the form works in determining the risk level of an individual. Next, Ms. Buechel distributed copies of a full-scale assessment form that has 47 questions that are completed by the Probation Officer. Information is gathered by reviewing the person's file, an interview, and a section completed by the offender. This

helps the Probation Officer determine what needs there are to be addressed, how often the offender should be seen, and assists in making recommendations to the courts. She noted these forms are used in conjunction with professional judgement.

Lastly, Ms. Buechel spoke of the YASAI (Youth Assessment Screening Assessment Instrument) and said the Department will begin using that in September.

Ms. Chock asked what the cost of the program is. Ms. Buechel said the information is produced from the database of which there is an annual fee.

OAR (Opportunities, Alternatives, and Resources)

Ms. Dietrich reported OAR has done 37 bails to date in 2009. In general there have been fewer bails this year than in the past which is likely the result of bail inflation. She said many bails are over OAR's limit of \$2,500 and noted there are presently a couple of people who are incarcerated with a Misdemeanor charge and bails set at \$5,000. Ms. Dietrich said OAR is also being more conservative with bails because of the current fiscal situation. At this time last year OAR had utilized its line of credit and also received \$10,000 in additional funds from the County.

Ms. Robertson asked how the issue of bail inflation could be addressed. Ms. Dietrich said it is very difficult, particularly because the judiciary is a separate branch of government. A suggestion was made to contact the Magistrates Association to discuss the fiscal impacts on taxpayers when OAR is not able to issue bails. Ms. Dietrich said 54 of the 84 bails requested have been denied this year. Ms. Robertson suggested identifying the bail amounts by court. Ms. Sykes said she is working with Sgt. Ray Bunce at the Jail on accessing other information including identifying information by court.

Ms. Dietrich spoke of housing trends and said most of OAR's clients go to an SRO (Single Room Occupancy). OAR continues to help people with Section 8 applications; however, there is currently a two-year waiting period for that program. As a result of DSS's good work they have seen a modest increase in the number of landlords in the City that will rent to their clients. She noted many end up living in Groton and this often creates transportation issues because many of these people work shifts that cannot be accommodated by public transportation services.

PAD (Public Access Defibrillator) Program

Ms. Martel-Moore updated the Committee on the PAD Program and said the Information Technology Services and Facilities Departments are working on establishing a time to identify electrical and phone lines to install AED (Automatic External Defibrillator) machines that would have the ability to automatically dial 911. She noted Greg Potter, Director of ITS, has some concerns about phone lines that will be need to be addressed to determine whether phone lines need to be modified in any way that would be costly. She said it is possible to install the machines without the auto-dial feature and work towards implementation of that at some point in the future. If this were not done the estimated savings on installation costs is approximately \$4,500. She also noted Dr. Kleleck has reviewed and approved the Program Plan.

Ms. Martel-Moore said while she would like to have the 911 automatic dial capability, the more important thing is that the machines are located in areas where they are easily accessible. She said the ability to save a life is significantly improved if action can be taken within a three-minute period. The ability to save a life from sudden cardiac arrest in the first three minutes with the use of an AED is 74%; with no AED there is only a 5% chance of saving a life.

Ms. Martel-Moore responded to a question from Ms. Robertson about relocating machines if offices move and said AED machines can easily be relocated; additional costs would only be incurred by the installation of additional phone lines. She said the Sheriff updated his AED units last year.

A question was raised as to why the Public Library is not included on the list. Ms. Martel-Moore said there was outreach previously but there were some issues, possibly financial. Committee members said the Library is utilized by a great number of the public and should be included on the list. She will recontact the Library again to see if there is interest and will pursue adding them to the list.

Ms. Martel-Moore will provide the Committee with an update in October.

Appointments

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

Family Court Advisory Council

Trudy Pantalia – At-large representative; term expires December 31, 2011
Debra DiBartolo – At-large representative; term expires December 31, 2011
Gina Newlin – DSS representative; term expires December 31, 2009

STOP-DWI Advisory Board

Debra DiBartolo – At-large representative; term expires December 31, 2010
Matthew Kochman – At-large (youth) representative; term expires December 31, 2009

Approval of Minutes of July 21, 2009

It was MOVED by Mr. Sigler, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the minutes of July 21, 2009 as submitted. MINUTES APPROVED.

Liaison Reports

Mr. Sigler reported the Family Court Advisory Council is looking at whether someone has to be a parent or a guardian to enroll a child in school. Apparently, a lot of school districts do not know that a person other than a parent or guardian can enroll a child and he said the Council has been discussing how inform to get information out on this.

Ms. Chock reported the Emergency Communications Review and Oversight Committee will meet on August 19th at 9:30 a.m. and will be electing a new Chair. There will also be discussion of creating codes for what is said over the air to alert emergency responders now that all the towns have the ability to speak with one another.

Adjournment

The meeting adjourned at 4:28 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office