

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

Approved

Present: L. McBean-Clairborne, M. Robertson, M. Hattery, M. Koplinka-Loehr, G. Stevenson
(Temporary appointment by Chair Joseph)
Excused: R. Booth
Legislators: T. Joseph
Staff: P. Younger, S. Whicher, County Administration, M. Lynch, County Administration; S. Cook, County Attorney's Office; J. Hughes; Assigned Counsel; M. Pottorff, Legislature Office; K. Leinthall, Department of Probation and Community Justice; P. Carey, DSS; L. Shurtleff, Department of Emergency Response; G. Wilkinson, DA
Guests: Judge J. Rowley; M Lane, former Legislator; T. Scherer, Ithaca Journal; D. Rogers, Drug Courts; W. Furniss, Attorney; K. Shaw; Attorney; Judge M. Olds; K. Sperger; Community Activist; A. Degenshein, Ithaca Community Treatment Court; Spouse of Judge Olds; M. Nagel, Cornell Visiting Fellow; B. Isaiko; Cornell; J. Crawford, G. Bush

Called to Order

Mrs. McBean-Clairborne called the meeting to order at 3:01 p.m.

Approval of Minutes of July 6, 2006

It was MOVED by Ms. Robertson, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the minutes of August 3, 2006 as corrected. MINUTES APPROVED.

Presentation to Committee – Joint Jail Facility

Mr. Lane spoke to the Committee with regard to his letter concerning revisiting the issue of a joint jail facility with Cortland County. He said he raised the issue because he knows how ideologically divided the Tompkins County Legislature is over the concept of a jail. He said that was clearly shown over the last two to three years and feels there are legislators who are opposed to any kind of expansion of the Tompkins County Jail. He credited Mr. Joseph with moving forward alternative-to-incarceration programs; however, feels the need for improvements in the Jail that will not go away. Mr. Lane spoke of boarding prisoners to other facilities and said he feels this is a great disservice to people in Tompkins County, especially women.

Mr. Lane said the Legislature voted not to proceed with a jail project; however, that does not mean that some things should not be done and other areas examined to address the jail population. He spoke of the study undertaken by Labella Associates several years ago that explored having a joint jail with Cortland County. The study was moving along well until Cortland County decided to terminate the discussions. Mr. Lane said it was his understanding that there was a lot of pressure from the Cortland City Police Department not wanting the jail outside of the City. There was also pressure from the County judges who wanted the jail in close proximity to the courts. There were also issues about whether both Sheriffs could work together but that had never reached the point of receiving a serious discussion.

Mr. Lane said that given current situation of the Tompkins County Jail he felt it made sense to take another look at that study. He said Cortland County is presently looking at building a new jail and if

Tompkins County doesn't move forward with a plan of its own to alleviate boardout problems, it may be boarding prisoners in Cortland County. He said he wrote an article that was printed in the Cortland Standard but not in the Ithaca Journal regarding this issue. He asked that the Legislature to not be put off because of the high price tag and to remember that a joint jail would take care of problems for two counties.

Mrs. McBean-Clairborne thanked Mr. Lane for presenting his concerns to the Committee and said this will continue to be looked at.

Criminal Justice Advisory/Alternatives-to-Incarceration Advisory Board Report

Ms. Robertson thanked Ms. Cook for Chairing the CJA/ATI Committee, as well as Judge Rowley for leadership on this.

Ms. Robertson spoke directly of the report and noted that although the Family Treatment Court works in a similar way to the drug treatment courts, it is not an alternative to incarceration. It addresses situations where families have children taken away because of alcohol or substance abuse and individuals are not necessarily subject to incarceration. The report states that the Day Reporting Program is underutilized; however, Program space is currently maximized and it would not be considered to be underutilized at this time.

She spoke to Recommendation no. 5 which states the CJA/ATI Board and Public Safety Committee should work with the Division of Parole and the Department of Correctional Services to establish re-entry programs for persons returning to the community after serving a prison sentence. She said the Day Reporting Program has already begun having parolees assigned to Day Reporting upon release from the facility so they have this support immediately.

Ms. Robertson said the people who have been involved in this report have worked hard to honestly address how the system works.

Ms. Cook said in the spring when this study was undertaken the groups broke into segments and brought in the major players to participate in identifying where things could be "tweaked" and made more efficient. During the process they found that Tompkins County is going a very good job, particularly when compared to other counties in New York State. The Department of Probation and Community Justice, which includes the Community Justice Center, is very strong and very well-run.

Ms. Cook said there were a few areas where needs were found and the group believes some impact can be made. Most of that involves re-entry. When 80 percent of population at the Jail has been there before, more effort needs to be made towards transitioning them back into the community. They looked at treatment of individuals while they are incarcerated. She said they have worked to educate those involved in the system, including town justices, about what the programs are.

The Alcohol and Drug evaluations that take place in the Jail was found to be an area that slowed the system down because there was a void in services which could be the result of a lack of resources. As a result of this, a proposal will be coming forward during the budget process from the Alcoholism Council and Cayuga Addiction Recovery Services to enhance services in the Jail and speed up the process for those evaluations.

Ms. Cook spoke of the networking that takes place across providers in the system. She said one area that was found to be missing was the coordination that was done by Bill Benjamin several years ago. There is a need for statistical analysis, grant writing, and coordination that members of the CJA/ATI

Board do not have time to do. She said this is one component that would greatly benefit the programs that are currently in place.

Mr. Koplinka-Loehr spoke of the third recommendation with regard to reorganization of the Restorative Justice subcommittee. He said this seems like a thread throughout the entire document about how to improve services and systems for restorative justice. Mrs. McBean-Clairborne agreed, and highlighted recommendation no. 4, stating she felt the DBA program was very good as well as the Restorative Justice program.

Ms. Cook said all of the players previously involved in the Restorative Justice Subcommittee will be coming back together for a meeting that will take place in September. One of the areas they will begin to refocus on is the victims and making them whole again.

Ms. Robertson underscored recommendation no. 9 and stated is important to not only identify, but to understand the trends that are taking place in the system. She spoke of the number of probationers who have been re-arrested. Ms. Leinthall said although the number of arrests were up, Tompkins County has one of the lowest felony re-arrest rates of probationers in the State.

Judge Rowley spoke about to having a person to coordinate the criminal justice system and highlighted the complexity of the system. He said a coordinator within County government has proven value to a system that involves millions of dollar of budgets. He spoke of the large number of individuals who attend programming at the Community Justice Center as opposed to being in Jail and the value that has in terms of tax dollars and benefits to lives.

Mr. Hattery asked if recommendation no. 7 insinuates that the present level of staffing at the Community Justice Center is not adequate. Mr. Joseph said the staff at the Community Justice Center is currently at capacity and that it is less expensive to increase staff there than it is to create space for individuals to be incarcerated.

Ms. Leinthall said she would hope the task of criminal justice coordination would be delegated to one of the new Deputy County Administrators rather than creating a new position. Ms. Robertson said Ms. Younger is working on various aspects of this report.

Assigned Counsel Program

Ms. Hughes reported a contract has been negotiated with the landlord that will allow the program to move into larger, secure space down the hall from its current location at Center Ithaca with no increase in cost until January, 2007. The increase is in the amount of \$2,500 which they will be able to cover with Rollover. Participants of the SWAP program will be assisting in the move.

Sheriff – Jail Statistics

The Committee reviewed Jail statistics distributed in advance by the Sheriff. There were no questions or comments.

Department of Emergency Response

Mr. Shurtleff reported as of this morning the building permitting process for the Communications System has been completed. Heavy equipment is being staged this afternoon and delivery of materials has started to various sites; construction of at least one site will begin on Monday morning, August 7th. He said they are in the process of assembling packets of information that will go to municipalities that

will include permits, construction documents, site plans, and a projected work schedule. Letters will also be sent to town supervisors and code enforcement officers. He also said project management staff from Motorola and SSI are on site to finalize the plan and are getting ready to move forward.

Mr. Shurtleff reported a discussion has been reinitiated with Cornell University for potential participation as a partner in the system. A meeting was held last week with follow-up with technical groups this morning to discuss what their future needs are and how they may integrate with the County's system. He said discussions continue with the Statewide Wireless Network (SWN) about them partnering with the County and feels there will be a positive outcome from those discussions. Mr. Whicher said he is anticipating funds in the range of \$500-\$800,000 per year to be pledged by SWN. Mr. Shurtleff said there will be a meeting tomorrow to tackle the subscriber equipment issues. A working group has been put together through the Emergency Communications and Oversight Committee. At tomorrow's meeting they hope to fully understand the operations components and then develop options to move forward with the subscriber equipment.

Mr. Koplinka-Loehr asked that consideration be given to in the fall to have a public forum to educate the public more clearly on this project.

Mr. Whicher said for the last two and a half years the County has been trying to initiate conversations with Cornell University and have not been successful. Lately there has been a new directive and Cornell representatives have come to the table and are willing to work cooperatively with the County. He said he is hopeful that Cornell will decide to become a full partner in the 800 Mhz system. Mr. Whicher said at the very least Cornell is going to define exactly what their gateway has to be so that there will be full interoperability between the systems if they elect not to go with the 800 Mhz system. A major concern the County had previously was that 1/3 of the population is tied to Cornell and if something happened in Tompkins County it is likely it would be at Cornell. He said he is very encouraged this will move ahead in one form or another. Mr. Joseph said recently he and Mr. Whicher had met with incoming Cornell President Skorton and this was raised as an important issue for the County.

Mr. Shurtleff reported the pictometry system with the overhead aerial photography has been acquired and put into the system with training being held this week. Mr. Whicher commented on the system and said he believes the Committee would find a demonstration very interesting.

RESOLUTION NO. DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE COUNTY OF TOMPKINS

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

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity, and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the counties' ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the County, including the current emergency management training programs, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature does hereby establish the National Interagency Incident Management System (NIMS) as the county standard for incident management, and be it further resolved, that the Tompkins County Comprehensive Emergency Management Plan, its appendices, annexes and mutual aid plans, be amended as appropriate by the Department of Emergency Response to reflect the adoption and practice of the NIMS standard by county government and partnered entities.

SEQR ACTION: TYPE II-20

Ms. Robertson was excused at 3:58 p.m.

Department of Probation and Community Justice

Ms. Leinthall announced the retirement of Susan Jones, Senior Probation Officer, who has been overseeing the Community Justice Center. Ms. Jones will be replaced by Eileen Summers, Senior Probation Officer.

Ms. Leinthall reported one of the Department employees who usually works with the Community Treatment Court is out on a long-term disability leave; therefore, staff will be reallocated to cover responsibilities.

The Committee was presented with information relating to a new initiative the Department will be undertaking that involves the supervision and monitoring of computer use by sex offenders. She explained that during the present technological age there is an expansion of the "marketplace" and now many individuals are spending a significant amount of time in chat groups and other sites on the internet. The Department would like to undertake a program that will allow internet monitoring of sex offenders so that there could be assurance that they are not re-offending or planning to re-offend. The Department's Micro-computer Specialist has been doing research and found a program that would allow the remote downloading of software by authorized individuals which will monitor the user's machine. It can monitor the context of discussions and can actually capture images of what is on a user's computer at any given time. It can also tell how many times a user attempted to access a site that was restricted. Ms. Leinthall said this is a form of electronic monitoring and is not an alternative-to-incarceration. There is a charge of \$25/month; however, a decision will have to be made as to who the charge should be incurred by. The charge for licensing and access will be incorporated into the Department's budget. It was clarified that this is an alternative to telling someone they cannot use the internet.

Ms. Leinthall said Department staff continues to look into specific details as to how this system would work and that there are still details that need to be worked out. Kristen Shaw, a local defense attorney in attendance, said this raises many privacy questions for her. Ms. Leinthall said this does guarantee privacy rights with communication with attorneys. Ms. Younger said she is working on getting information including feedback from a judge, attorneys, and federal representatives. Ms. Leinthall said she welcomes feedback as she would like to resolve many of the issues prior to starting up the program.

Ithaca Community Treatment Court

Judge Olds thanked the Committee for allowing her to present information regarding the Ithaca Community Treatment Court and explained why she hopes Legislators will not vote to consolidate the program into the Felony Treatment Court during the 2007 budgetary process.

She presented each of the Committee members with information related to the Treatment Court, Highlights from the information presented included:

- The Ithaca Community Treatment Court meets every Thursday at 1:30 p.m.;
- Helps defendants get sober and clean and help support their families with the least amount of tax dollars;
- Theory behind all the treatment courts is to connect individuals with needed services and keep them in programs long enough to make them want that themselves;
- The ICTC works with several agencies, including the Assigned Counsel Program, District Attorney, Tompkins Community Action, Ithaca Police Department, American Red Cross, and Mental Health Department;
- The Ithaca Community Treatment Court is one the hub courts in New York State; it is the least expensive;
- Three-quarters of the referrals to the Community Justice Center come from the City;
- The City is very interested in alternatives-to-incarceration;
- For the last 20 years there has been a relationship with the McCormick Center; there is a strong will to take a look at the issue of re-entry;
- New York State and various judges support having treatment courts because they have been proven to work;
- There are 52 treatment courts in New York State;
- Community members feel they have a stake in this court and want to continue to be involved;
- and
- Faith-based programs are becoming involved.

Judge Olds concluded her presentation by extending an invitation to Legislators to visit the Ithaca Community Treatment Court and to not endorse a program that would incorporate this court into the Felony Treatment Court. Mrs. McBean-Clairborne thanked Judge Olds for her presentation; she also stated that the Legislature has not been presented with any proposal to combine these courts.

Adjournment

The meeting adjourned at 4:35 p.m.

Public Safety Committee
August 3, 2006

Respectfully submitted by Michelle Pottorff, Legislature Office