

MINUTES

Approved 2-12-09

PUBLIC SAFETY COMMITTEE

NOVEMBER 21, 2008 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: G. Stevenson, Chair; J. Dennis; M. Hattery, M. Robertson
 Excused: W. Burbank
 Legislators: M. Koplinka-Loehr
 Staff: S. Cook, County Attorney's Office; P. Younger, M. Lynch, County Administration; R. Stolp, Assigned Counsel; J. Hughes, Assigned Counsel; L. Shurtleff, Emergency Response Director; M. Pottorff, Legislature Office; P. Meskill, Sheriff; J. Mareane, County Administrator; M. Lynch, Public Information Officer; P. Younger, Deputy County Administrator; P. Buechel, Department of Probation and Community Justice
 Guests: W. Furniss, Advisory Board on Indigent Representation; T. Ashmore, Ithaca Journal

Call to Order

The meeting was called to order at 2:00 p.m.

Changes to Agenda

There were no changes to the agenda other than reordering items.

Report from the Chair

Mr. Stevenson had no report at this time.

Report from the Sheriff

The Sheriff reported the Office has been very busy. He spoke of a climate survey that was done earlier in the year to find out what the deputies think about their jobs and the role of Department Administration in their duties. They have tabulated the results and will be conducting the survey again after actions have been taken to address concerns that were raised. Based on the results of the survey, changes have been made and the survey will be repeated to see if there have been improvements in problem areas that were identified.

BUDGET ADJUSTMENT

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

REVENUE:	3113.51000	Regular Pay	\$18,000
APPROPRIATION:	3113.54442	Professional Services	\$18,000
REVENUE:	3113.51000	Regular Pay	\$25,000
APPROPRIATION:	3113.54442	Vehicle	\$25,000

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Ms. Cook, Chair, reported the five-year funding reductions that are part of the annual ATI Consolidated Service Plan did not equate to quite six percent as expected. The County is anticipating the receipt of \$127,700 for five-year contract; this results in a reduction of a little over \$1,200 annually. These monies are used towards the DSS position that performs substance abuse assessments in the Jail. Ms. Cook reported the CJA/ATI Board will continue to meet the fourth Monday of each month in 2009.

The Board will be looking at and analyzing information received from the NYS Department of Criminal Justice Services that has become available on jail population. At the next meeting there will be discussion on information provided by the County Administrator on a jail study performed by Onondaga County. Ms. Cook said the CJA/ATI Board will be waiting to hear from the Public Safety Committee on what members would like the Board to take up in 2009.

Department of Emergency Response

Mr. Shurtleff said he had been anticipating bringing grant information to the Committee but is still awaiting information from the State. The Department continues to work with the remainder of agencies (about half a dozen) on the rollout of radios. They have been putting together demobilization plan for the old system and will be concentrating on that over the winter months. They will doing some frequency relocations; some of them were subject to takeover by private enterprises and some of the notices are coming in so that is forcing them to move forward in taking the old microwave off line.

Mr. Shurtleff brought to the attention of the Committee that the City took action last week through the Board of Public Works, to dual name State Street to also be Martin Luther King, Jr. Street. Although consulted over a year and a half ago when this first came up, he said there has not been recent communication by the City and he said this action causes a significant change in the way addresses in the database are set up. It impacts the County's mapping program, GIS mapping, pictometry, Verizon database, and other areas. He will be coming back at a later date to discuss the issue of renaming streets in the future. Mr. Shurtleff said they will do their best to comply with what the City has requested and also said the Emergency Communications Review and Oversight Committee will be discussing this. Mr. Shurtleff said numbers and east or west designations will be maintained and this will make it somewhat easier. Mr. Dennis asked that someone look into how it works in other places when residents are able to select a street name.

Mr. Hattery said a while back a representative from the City came in and spoke of wanting to pursue upgrading the alarm system and asked for the status report on that. Mr. Shurtleff said this is still in process and parties are working together. Mr. Dennis asked if the property numbers would be changed in this case.

RESOLUTION NO. 250 - APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – DEPARTMENT OF EMERGENCY RESPONSE

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

WHEREAS, the Department of Emergency Response had two Emergency Services Dispatchers retire effective January and September and one Emergency Services Dispatcher resign effective October 2008, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety 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	\$10,826
TO:	A3410.51000551	Emergency Services Dispatcher	\$7,960
	A3410.58800	Frings	\$2,866
SEQR ACTION:	TYPE II-20		

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LETSS (Law Enforcement Technology Shared Services)

**RESOLUTION NO. - AUTHORIZATION TO PROCEED WITH GOVERNANCE
STRUCTURE FOR A MULTI-JURISDICTONAL DATA
SHARING AMONG COUNTY LAW ENFORCEMENT AGENCIES
INCLUDING LAW ENFORCEMENT TECHNOLOGY SHARED
SERVICES (LETSS) GROUP**

MOVED by Mr. Hattery, seconded by Ms. Robertson. Ms. Robertson suggested that it might be helpful for others representing municipal boards to make presentations to their boards and those boards pass similar resolutions. Sheriff Meskill did not recommend doing that at this time but perhaps once a governance structure is in place. He said this resolution represents local law enforcement trying to move forward to share information to solve crime, do things more efficiently, and communicate with the public. He asked that members keep in mind that the village police departments, the City Police, and the Sheriff, already help each other on a routine basis from a department standpoint. From a government structure they likely just want their law enforcement departments to be as efficient as possible with the money that is spent.

Ms. Robertson said she wants to make sure the County isn't going to be the only one holding the cost at the end. Mr. Meskill said contributions have always been a hurdle but he believes there needs to be governance structure in place before trying to tackle that again. Mr. Hattery said he supports letting municipal boards know this is happening but doesn't need a formal resolution by each board as the plan is to work better together to serve the public. Ms. Moore said the LETSS group is looking at potential cost savings and benefits. Mr. Hattery noted the Dryden Village Board is aware of this. Mr. Meskill said that is the purpose of the governance structure; that process will be discussed and developed once that structure is in place. Ms. Moore also said police agencies already report to their municipal boards on a monthly basis and Mr. Potter said he will ask that it continues. Mr. Dennis said a concern he has is that there is no assumption that the County ITS Department is going to be the major undertaker of the process and assume all work under the present amount of resources.

A voice vote resulted as follows: Ayes – 4, Noes – 0. Excused – 1 (Burbank). MOTION CARRIED.

Greg will report to the Committee with progress reports as needed.

WHEREAS, the Tompkins County Information Technology Services Department (ITS) has provided for the centralization of criminal justice information sharing and the hosting of digital law enforcement records for Tompkins County Sheriff's Office, City of Ithaca Police Department, Village of Cayuga Heights Police Department, Village of Dryden Police Department, Village of Groton Police Department and Village of Trumansburg Police Department since May 2003, and

WHEREAS, in 2002 criminal justice data sharing was partially accomplished through the creation and operation of the Criminal Justice Data Communications System (CJDCS), intended to increase communication and collaboration among criminal justice agencies within Tompkins County, and

WHEREAS, Tompkins County Administration recently coordinated two technical assistance workshops with the Center for Technology in Government (CTG at SUNY Albany) with participation by the above mentioned agencies and other criminal justice/public safety service providers, for the purpose of evaluating law enforcement shared services and data collaboration efforts in Tompkins County, and

WHEREAS, the result of the law enforcement focused technical assistance workshop was a defined need and mutual commitment to proceed with the development of a governance structure which is intended to formalize collective decision making, identify and secure necessary resources, define policy and procedures, and consider integration for future criminal justice information management projects and needs between the above named agencies, and

WHEREAS, the above named agencies have entered into annual data Use & Dissemination Agreements, collaborated on numerous projects, and have been meeting on a regular basis as an unofficial group known as Law Enforcement Technology Shared Services (LETSS) with tangible results of their efforts with County Departmental oversight and resources provided by ITS, and

WHEREAS, the Tompkins County Administrator, along with additional expertise with background in this field if needed, shall be available to help advise LETSS and further could help develop a model for future Criminal Justice data sharing collaborative efforts throughout Tompkins County, and

WHEREAS, a LETSS governance structure, reporting to the Tompkins County Public Safety Committee, will formalize and continue the foundation of inter-agency collaboration and define the level of Tompkins County ITS resources dedicated to the project, and define the by-laws for the group, including a detailed description of a program funding structure, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, that the LETSS group, with assistance from ITS, and in collaboration with other criminal justice agencies and the Tompkins County Administrator, shall develop present a governance structure to the Public Safety Committee for review no later than 8 months from the date of this resolution.

SEQR ACTION: TYPE 11-20

Emergency Mobile Command Vehicle Update

Sheriff Meskill reported the City approved an appropriation of \$250,000 for the SWAT bus and the City received \$100,000 from an anonymous donor, as well as Homeland Security grant funds. They are moving forward with the Emergency Mobile Command vehicle as a capital project.

Emergency Communications System

Mr. Dennis, Vice Chair, attended the celebration held at Ithaca College as the official “cut-over” to the new 800 megaHertz, trunked radio system was built through a \$22 million capital project, that is the largest in County history. He presented Mr. Stevenson with duct tape and baling twine from the event.

Department of Probation and Community Justice

Ms. Buechel spoke of the Interceptor Ignition Interlock program that is used for individuals in the Department’s DWI population. A device is installed in the vehicle and if the device registers alcohol the car won’t start. This is used for all DWI probationers. At the present time they use the national brand and would like to change over to Interceptor. The national brand gives the Department a log of each time the person blows, data on how long the car has driven, and what the BAC (blood alcohol content) was. However, there is always a question of who is blowing into the device. She said the Interceptor actually takes a photo of the person blowing into the device. It also has a GPS component and is web-based so the Probation Officer can tell where the person is. The vendor is Countywide Appliance, a local business. Ms. Buechel said she is waiting on a few probationers to get their license back from the Department of Motor Vehicles and will try the Interceptor system on them. If it works well they will pursue using it. Although it is a little more expensive than the national brand she thinks it is well worth it. It was noted that State Vehicle and Traffic Law requires this be installed and paid for by the probationer for specific violations.

Next, Ms. Buchel spoke of Secure Alert Electronic Monitoring. A phone line is not needed with these devices as they are based on GPS and cell tower technology. The only thing the person needs is to have access to electricity to power up the battery pack. She noted this program is for a high risk population and is an alternative to incarceration. She said what has been used previously has needed a telephone line. The cost is \$8 per day. There are many options, including bracelet vibrating, limiting the

area a person can or cannot be, notification options including contact by the vendor or the Probation Officer.

Thirdly, Ms. Buechel reported on the Secure Continuous Remote Alcohol Monitoring, an ankle bracelet based on body temperature, spacing of the device from the skin, and sweat that is released into the device. It continually analyzes the person's skin and can tell if someone has been ingesting alcohol. It can also determine if someone is tampering with the device. The devices will be secured through funding from the STOP-DWI program. She said they are hoping to use it to assist someone in recovery so that they can stay on track and not drink. It can also be used as a treatment tool to help people in their recovery. The purchases are for ten years and the STOP-DWI board agreed to pay for one year of service. The device detects alcohol only, not drugs. The cost is \$1,500 pr unit, in addition to \$5.35 per day for monitoring per unit per day.

Budget transfers presented were for information only.

Ms. Buechel reported on a community service project the Department's SWAP (Service Work Alternative Program) has been involved in and said this year participants logged over 900 hours and raised \$42,000 to go towards charity.

Assigned Counsel Task Force

Mr. Stevenson asked if any member of the Committee wished to serve on the Assigned Counsel/Public Defender Task Force. Mr. Dennis and Ms. Robertson volunteered. The membership is outlined in the following charge:

Charge for an "Assigned Counsel/Public Defender Analysis and Review (AC/PDAR)" Task Force (established 11-21-08):

Background: Counties throughout NYS have undertaken a variety of models to provide legal representation services for those deemed to be indigent (unable to hire an attorney). Additionally, over the past several years the reimbursement fee for hourly legal services for attorneys serving as Assigned Counsel for those unable to afford representation has increased, and at the same time state-wide panels have recommended changes to the process of legal representation services for those deemed to be indigent to provide for the highest quality representations services across the state at an affordable rate for taxpayers.

Charge: Thus, I, Greg Stevenson, Chair of the Tompkins County Legislature Public Safety Committee, with the authorization of the Chair of the Legislature, am appointing a temporary (6-month) "Assigned Counsel/Public Defender Analysis and Review (ACPDAR)" Task Force. The TASK FORCE shall report it's recommendations to the Public Safety Committee, with copies to the full legislature, within 6 months of it's first meeting, which is intended to occur by **mid-December, 2008**.

Purpose: While optimizing government efficiency and the reduction of current mandated costs to local citizens,

- to explore the benefits and costs of, and recommend to the Public Safety Committee of the Tompkins County Legislature a future course of action regarding the most effective delivery of services to residents of Tompkins County who cannot afford legal representation, including analysis of an Assigned Counsel model, a Public Defender/Conflict Defenders' model or a hybrid thereof;
- to include in any long-range assessment and review of best practices, as relevant to the unique conditions of Tompkins County, the American Bar Association Ten Principles of a Public Defense Delivery System. Those ten guiding principles constitute the fundamental criteria to be

met for a public defense delivery system to deliver effective and efficient, high quality, ethical, conflict-free representation for indigent individuals, such as: Independence, High quality representation delivered efficiently and cost-effectively, Fairness and consistency, Client confidentiality in compliance with professional standards, Reasonable workloads, Standards of defense counsel qualifications commensurate with the complexity of local cases, Continuous case representation for clients, Resource parity between defense counsel and prosecution, Continuing legal education training, and Accountability to national and local standards.

Composition of Task Force - 7 members

- One Tompkins County Bar Association Member
- Four designated ABIR Members
- Two Public Safety Members

Staff Support: Budgetary analysis, background research, and data from existing Assigned Counsel Office will be requested on an as-needed and as-available basis.

A question was raised about who would choose the Bar Association representative. Mr. Koplinka-Loehr said the Chair of this Committee has the authority to make that appointment. Mr. Furniss said ABIR has no problem with that appointment and noted any change to the Assigned Counsel Program would have to be approved by the Bar Association.

Mr. Hattery said he previously questioned why this was originally asked to be looked at and if there are changes that warrant it he will support this moving forward.

Ms. Hughes said there will be two issues raised: data and philosophy of a public defender office. Mr. Stolp said if there is not a dollar savings that could be reached there would be no need to move forward, and if there is a cost savings the impact of changing would need to be explored.

Upon completion of its work the Task Force will be asked to submit a written report to this Committee.

Mr. Stevenson appointed Ms. Robertson and Mr. Dennis to serve on the Task Force.

Appointment(s)

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

Advisory Board on Indigent Representation – term expires December 31, 2011

Lucy Gold
M. Alan Hays
Gino Bush

STOP-DWI Advisory Board – terms expire December 31, 2011

Gwen Wilkinson – District Attorney’s Office representative
Patricia Buechel – Department of Probation and Community Justice representative

Traffic Safety Committee – term expires December 31, 2011

Thomas L. Ferretti – Village Police Official representative

Emergency Communications Review and Oversight Committee – term expires December 31, 2011

Public Safety Committee
November 21, 2008

Peter J. Meskill – Sheriff representative

Local Emergency Planning Committee – No set term
Geoff Dunn – Broadcast Media representative

Criminal Justice Advisory/Alternatives-to-Incarceration Board – terms expires December 31, 2011
Susan Robinson – At-large representative

Liaison Reports

Ms. Robertson reported on a brochure that goes to families who are going to be involved in the court system that has been produced by the Family Court Advisory Council. A couple of advisory council members have been working on revising and updating the brochure to be more user friendly and she complimented them on the work they have done.

Approval of Minutes of October 23, 2008

It was MOVED by Ms. Robertson, seconded by Mr. Dennis, and unanimously adopted by voice vote, to approve the minutes of October 23, 2008 as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 3:25 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office