

AGENDA

Public Safety Committee

Tuesday, December 7, 2010 - 4:45 PM

Tompkins County Courthouse, 320 North Tioga Street, Ithaca, NY

I. **Call to Order**

II. **Minutes Approval**

- a. Monday, November 01, 2010

III. **Resolutions**

- a. **RESOLUTION:** Approval of Amended Bylaws – Criminal Justice/Alternatives to Incarceration Advisory Board (ID # 2158)
- b. **RESOLUTION:** Change in Position/Decrease in Hours - Department of Probation and Justice (ID # 2352)

IV. **Reports**

- a. Indigent Legal Services (ID # 2305)
- b. Jail Statistics (ID # 2307)

V. **Adjournment**

RESPONSIBILITIES: District Attorney; Defense of Indigents/Assigned Counsel; Probation and Community Justice; Sheriff/Jail; Emergency Response; Opportunities, Alternatives, and Resources (OAR) Alternatives-to-Incarceration Programs, Reentry Transition Programs; Juvenile Justice

MEMBERS: N. Shinagawa, Chair; L. McBean-Clairborne, Vice Chair, J. Dennis; B. Robison; P. Stein
Inclusion through Diversity

Public Safety Committee
Regular Meeting Minutes
Monday, November 1, 2010 3:30 PM
Scott Heyman Conference Room

Draft 11/15/10

Attendee Name	Title	Status
Nathan Shinagawa	Chair	Present
James Dennis	Member	Present
Leslyn McBean-Clairborne	Member	Excused
Brian Robison	Member	Present
Peter Stein	Member	Late (arrived at 3:34 p.m.)

Staff: C. Covert, Clerk of the Legislature; P. Buechel, Probation and Community Justice Director; S. Cook, Chair, Criminal Justice Advisory/Alternatives-to-Incarceration Board; W. McDermott and J. Hughes, Assigned Counsel; P. Meskiill, Sheriff; M. Lynch, Public Information; L. Shurtleff, Emergency Response Director; A. McElwee, Assistant District Attorney

Call to Order

The meeting was called to order at 3:34 p.m.

Chair's Report

Mr. Shinagawa asked what the status is with the defibrillators being installed in County buildings and requested an update on that program at the next Committee meeting. Ms. Lynch believes it is in progress, but said she would inform County Administrator Joe Mareane of this request.

Mr. Stein arrived at this time.

Changes to Agenda

There were no changes to the agenda.

Sheriff's Office

Report or Discussion Item (DOC ID: 2267): Jail Statistics

Mr. Meskill said he was available to answer any questions relating to the statistics sent to members prior to the meeting. He commented that board outs are low.

Criminal Justice Advisory/Alternatives-to-Incarceration

Resolution (DOC ID: 2158): Approval of Amended Bylaws – Criminal Justice/ Alternatives to Incarceration Advisory Board

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Peter Stein, Member
SECONDER:	Brian Robison, Member
AYES:	Nathan Shinagawa, James Dennis, Brian Robison, Peter Stein
EXCUSED:	Leslyn McBean-Clairborne

WHEREAS, the Criminal Justice/Alternatives to Incarceration advisory board desires to amend its Bylaws to more accurately reflect the County Legislature's advisory board attendance policy and more accurately designate its appointed membership pursuant to the NYS Executive Law under which it

Minutes Acceptance: Minutes of Nov 1, 2010 3:30 PM (Minutes Approval)

Minutes
Public Safety Committee
Monday, November 1, 2010

operates, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the bylaws for Criminal Justice/Alternatives to Incarceration Advisory Board, as amended and adopted by CJATI at their September 27, 2010 meeting, be approved,

RESOLVED, further, That a Copy of the amended bylaws shall be kept on file with the Clerk of the Legislature and the Chair of CJATI.

SEQR ACTION: TYPE II-20

* * * * *

Assigned Counsel

Report or Discussion Item (DOC ID: 2265): Update on Program

Mr. McDermott provided an update on the new law for indigent legal services. Mr. Mareane, County Administrator, was recently appointed to serve on a 15-member Committee appointed by the Governor. Mr. Mareane is attending the his first meeting today with the Governor. Mr. McDermott said he is unsure how money will be distributed by the State or how County will benefit. The monies are intended to supplement not supplant the County’s money and it will be determined by a formula. The process for receiving the money has changed and starting next year 90% of the \$359,000 will be directly received; however, a grant application will have to be submitted for the remaining ten percent. By 2015, all funds received by the State will be based upon a grant application process, which is where it could become more difficult.

Mr. McDermott corrected information that was provided at a recent Expanded Budget and Capital Committee meeting concerning Maintenance of Effort (MOE) requirement. He said the MOE has not been eliminated as originally thought and it is defined clearly in the statute. The intent of the new distribution process is to improve programs that are not as effective as Tompkins County’s. He is not sure what improvements can be made locally to demonstrate to the State so that the County can receive the same amount of funds as other Assigned Counsel programs. The distribution of funding will be by the Committee based on recommendations made by the State office.

Mr. McDermott reported on two trainings held recently through the Continuing Legal Education programs. One related to the Rockefeller Drug Reform Law and the other was defense ethics. The Rockefeller Drug Reform is drastic but will be a great improvement to the drug offenders who will be dealt with in the courts. The other training related to a Supreme Court case that is very “hot” right now. If a lawyer does not advise the client to make decisions with reference to the disposition of the case taking into consideration the status as an immigrant or otherwise it will constitute ineffective assistance counseling. It will be important for all the lawyers in the Assigned Counsel program to make certain they first make inquiries such as “Where were you born?”. Both trainings were well attended.

Finally, Mr. McDermott reported on ways he is trying to recover some money. One of those areas is asking the Judges to oversee the monies being spent for Assigned Counsel on un-emancipated minors. When a minor is assigned a case, the Judge will ask the parent(s) to complete an application about their financial status. The intent will be to have the Judge sign the 722D order that will permit Assigned Counsel to recover the funds. Another area he has also asked Judges to consider is using the same process for bench assignments by asking the individual to complete an application to determine if a 722D order should be completed. One other area is a request made to the Judges to make suggestions on how to cut down on wasted court time. Mr. McDermott said he has had very good responses by the Judges on these items.

In response to Mr. Stein concerning measure of effectiveness, Mr. McDermott said Statute points to promptness of assignments, quality of assignments, availability of attorney, experience, etc.

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Minutes
Public Safety Committee
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Department of Emergency Response

Report or Discussion Item (DOC ID: 2266): Update on CAD System

Mr. Shurtleff said the users of the system are in the process of training. The contract was signed in August following Legislature approval. Equipment was installed in September and intense training began in late September. Three weeks of training for the Dispatchers will begin this week. A total of 150 people will be trained. The Spillman firm has committed their staff to be here for two weeks after the training and available where needed.

* * * * *

Minutes Approval

It was MOVED by Mr. Dennis, seconded by Mr. Robison, and unanimously adopted by voice vote by members present, to approve the minutes of the October 4, 2010, meeting as submitted. MINUTES APPROVED.

Other Business

Ms. Buechel reported on a training that will be held by the Probation and Community Justice Department on December 4th for the local town and village Justices on the Department's electronic equipment such as electronic monitoring, ignition interlock, etc.

Mr. McElwee reported that the District Attorney is doing well and is staying in close contact with the office. She hopes to be back in the office at the end of the month at least a couple days per week.

Adjournment

The meeting adjourned at 4:05 p.m.

Minutes Acceptance: Minutes of Nov 1, 2010 3:30 PM (Minutes Approval)



Public Safety Committee
320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/07/10 04:45 PM
Department: County Administration
Category: Advisory Boards and Committees
Functional Category: Alternatives-To-Incarceration, Bylaw

DOC ID: 2158 A

WITHDRAWN

RESOLUTION NO.

1 **Approval of Amended Bylaws – Criminal Justice/Alternatives to**
2 **Incarceration Advisory Board**

3 WHEREAS, the Criminal Justice/Alternatives to Incarceration Advisory (CJA/ATI) Board desires to amend
4 its bylaws to more accurately reflect the County Legislature’s advisory board attendance policy and more accurately
5 designate its appointed membership pursuant to the New York State Executive Law under which it operates, now
6 therefore be it

7
8 RESOLVED, on recommendation of the Public Safety Committee, That the bylaws for Criminal
9 Justice/Alternatives to Incarceration Advisory Board, as amended and adopted by the CJA/ATI at their November 22,
10 2010, meeting, be approved,

11
12 RESOLVED, further, That a copy of the amended bylaws shall be kept on file with the Clerk of the
13 Legislature and the Chair of the CJA/ATI Board.

14 **SEQR ACTION:** TYPE II-20
15
16

CRIMINAL JUSTICE & ALTERNATIVES TO INCARCERATION
ADVISORY BOARD

BYLAWS

Article I. Name

The official designation shall be the Tompkins County Criminal Justice/Alternatives To Incarceration Advisory Board, abbreviated CJATI, and herein called the “Advisory Board.”

Article II. Purpose

The purpose of the Advisory Board shall be (1) to study the criminal justice system in Tompkins County with particular attention to programs that are alternatives to incarceration; (2) to identify unmet needs and opportunities for meeting these needs and improving the system, including potential funding sources; (3) to make recommendations to the Tompkins County Legislature and its committee that deals with public safety; and (4) to provide a forum for networking, coordination, and communication between agencies and departments making up the County’s criminal justice system; and (5) fulfill its duties as mandated under NYS Executive Law, Article 13-A, §261.

Article III. Membership

1. Voting members as defined by NYS Executive Law Article 13-A § 261(2)
Alternatives to Incarceration Service Plans: Requires the following persons or their ~~duly appointed~~ representatives be included on the Advisory Board: ~~(-11.22.)~~
 - a) County Court Judge, as appointed by the administrative judge for that county
 - b) Town or Village Court Judge, as appointed by the administrative judge for that county
 - c) District Attorney
 - d) Representative of agency providing legal services to indigent (limit two)
 - e) County Legislator (Chair of the legislative committee dealing with public safety)
 - f) Director of Probation
 - g) Chief Administrative Officer (Sheriff)
 - h) Representative of local police agency, selected by the heads of all such agencies to represent their joint views
 - i) Representative of private organization who has involvement with ATI or pre-trial programs (OAR), as designated by the county executive
 - j) Ex-offender, as designated by the county executive
 - k) Crime victim, as designated by the county executive
 - l) County Executive (County Administrator)
 - m) Director of community services as defined in section 41.03 of Mental Hygiene Law (Mental Health)
 - n) An individual who provides state certified substance abuse treatment programs or services

2. Voting members as defined by ~~action~~ appointment of the County Legislature include:
 - a) Representative from DSS
 - b) Agency representing crime victims
 - c) Representative from County Attorney's Office
 - d) Agency providing mediation services to the courts
 - e) Representative from County Youth Services
 - f) Up to three "At-Large" Members

3. Appointments and Resignations ~~Anyone who is applying for membership on the Advisory Board shall fill out an "Application And Resume" and return it to the Office of the County Legislature. Appointment by the Public Safety Committee and the full Legislature is required before a new Board member may be sworn in.~~
 - a) Those positions not selected, appointed or designated as provided for in NYS Executive Law Article 13-A § 261(2) shall fill out the Advisory Board Application and return it to the Office of the County Legislature and CJATI Chair. For those positions, appointment by the Public Safety Committee and County Legislature is required.
 - b) Those members who are specifically designated or appointed shall fill out the directory information of the Advisory Board Application, which shall then be kept on file with the CJATI Chair.
 - c) All resignations shall be submitted in writing to the CJATI Chair.

4. Terms of Office: Appointments shall be made for three-year terms with no term limits.

5. Attendance: Board members are expected to attend all advisory board meetings. ~~If attendance falls below half of the meetings in a year, s/he will be requested to find an alternate representative from his/her agency/department.~~ Pursuant to Local Law #2 of 2004, when any member fails to attend three consecutive regular meetings of CJATI, unless such absence is for good cause and is excused by the chairman or other presiding officer thereof, or in the case of such chairman or other presiding officer, by the Chair of the Legislature, the office may be deemed vacant by action of the appointing authority for the purposes of the nomination and appointment of a successor.

Article IV. Officers

1. Chair
In accordance with NYS Executive Law Article 13-A § 261 (2), the Chair shall be the County Administrator or his/her duly designated representative.

2. Vice Chair
The Vice Chair shall be the Chair of the legislative committee that deals with public safety or his/her duly designated representative.

Article V. Meetings

1. Advisory Board meetings shall be held at least quarterly.

2. A quorum, consisting of at least one more than half of the ~~appointed~~ voting members (12) or their ~~officially designated~~ representatives, must be present in order for this Advisory Board to take any formal action. Designation of official representatives must be made in writing to the ~~legislative committee dealing with public safety, with notice to the~~ CJ/ATI Chair, ~~and duly appointed by the County Legislature.~~
3. The Advisory Board may, without a quorum being present, pass by a majority of the voting members present a resolution known as a “sense of the body resolution” which shall specifically state in the resolution that it represents the action of a majority of the members present in the absence of a quorum. Any such resolutions shall note who was in attendance and how the members voted.
4. All meetings shall be conducted under Roberts Rules of Order.
5. Notices of meetings shall be sent out at least one week in advance of the meeting. The agenda for the meeting and the minutes from the previous meeting shall accompany all notices of meeting. Notices of meetings shall be e-mailed to Board members at the address last given by the member.
6. All meetings shall be public, pursuant to the New York State Open Meetings Law.
7. The Chair shall be empowered to call or cancel a meeting of the Advisory Board if deemed necessary.

Article VI. Committees

1. The Chair of the Advisory Board may establish committees as appropriate, subject to the approval of the members of the Advisory Board. Each committee shall consist of at least two members of the Advisory Board and may include one or more non-board members. The Chair of the Advisory Board shall either appoint the chair of the committee or ask the committee to elect a chair who shall be a Member of the Advisory Board.
2. Committees will be temporary in nature. Each committee shall continue until the assigned task is completed.
3. All committees shall be responsible to the Advisory Board. Committees shall keep the Advisory Board informed of its meeting schedule, shall keep a record of its meetings, and shall make reports to the Advisory Board of its activities and future plans at each Board meeting.

Article VII. Saving Clause

In the event any of these bylaws shall conflict with any provisions or requirements of State or Federal Law, the provisions of any State or Federal Law shall control and the other provisions of these bylaws shall not be invalidated by such conflict.

Article VIII. Adoption

These bylaws shall become effective upon adoption by the County Legislature.

Article IX. Amendment of Bylaws

All proposed changes are to be presented at the meeting prior to the meeting at which the proposed changes will be voted upon. Prior to voting, all members of the Advisory Board will be notified in writing of the proposed changes and a two-thirds vote of the authorized membership is required for adoption of changes.

Amendments approved by the Advisory Board shall become effective upon approval by the Tompkins County Legislature.

Adopted by CJ/ATI May 17, 2004

Adopted by Public Safety June 3, 2004

Adopted by Full Legislature June 15, 2004

Amended by CJ/ATI 9/27/10, 11/22/10 [re attendance & appt.]

Amendment adopted by Public Safety 12/6/2010

Amendment adopted by Legislature _____



Public Safety Committee
320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/07/10 04:45 PM
Department: Probation & Community Justice
Category: Personnel (Positions, Salaries, Benefits)
Functional Category

REVIEWED

DOC ID: 2352

RESOLUTION NO.

1 **Change in Position/Decrease in Hours - Department of Probation and**
2 **Justice**

3 WHEREAS, as a result of budgetary restrictions the hours and standard work week of a Transition Workforce
4 Specialist position in Probation needs to be reduced, and

5
6 WHEREAS, the position will still be classified as a full time position rated at 1.0 FTE but at 35 hours per week,

7
8 Now therefore be it RESOLVED, upon the recommendation of the Public Safety Committee, that the following change
9 will take place effective January 1, 2011:

10
11 1.0 Transition Workforce Specialist, position #833, labor grade L (12), Job Code 783, decrease the standard work
12 week of the position and the approved hours from 40 to 35 hours per week (1.0 FTE)
13
14

TOMPKINS COUNTY JAIL STATISTICS OCTOBER

2005 2006 2007 2008 2009 2010

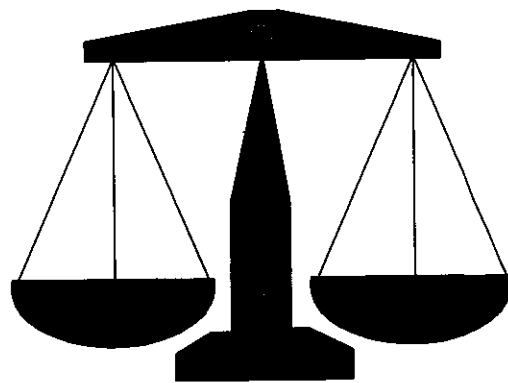
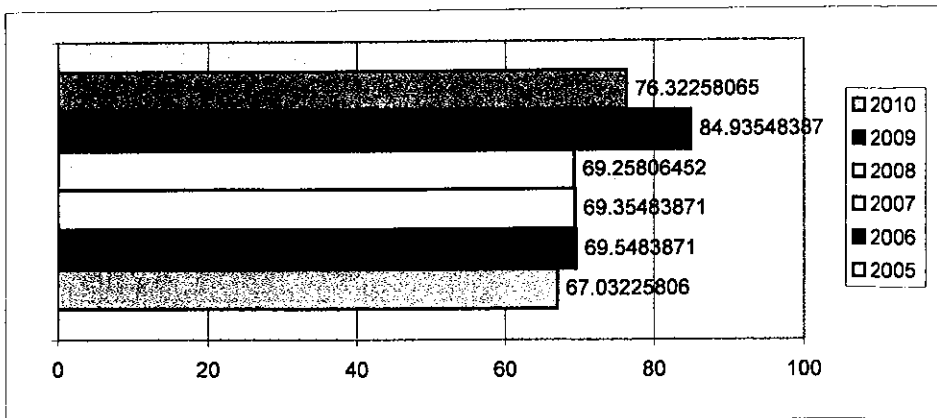


Table of Contents

- Total Population
- Daily Admission
- Sheriff's Total Custody Boardout/Inhouse

Total Population October

	2005	2006	2007	2008	2009	2010
1	60	69	73	72	89	82
2	62	69	70	68	85	83
3	63	69	65	68	87	83
4	65	71	70	67	87	83
5	66	72	69	69	87	77
6	64	67	70	71	83	79
7	68	69	68	71	84	80
8	68	68	68	69	87	72
9	67	67	64	69	87	76
10	66	72	67	71	86	79
11	68	73	70	66	86	79
12	71	68	69	65	86	79
13	66	69	72	66	85	79
14	69	71	71	69	85	75
15	67	70	73	68	84	75
16	67	69	71	69	85	72
17	67	65	71	67	87	72
18	69	71	69	68	87	72
19	65	71	68	71	87	75
20	66	66	73	69	84	74
21	66	69	73	69	80	71
22	69	68	71	70	82	71
23	68	69	70	73	81	72
24	69	71	66	75	85	74
25	66	71	68	70	83	75
26	68	69	69	68	83	75
27	71	70	69	70	80	75
28	68	71	70	73	83	76
29	69	72	69	70	86	77
30	70	71	67	68	87	76
31	70	69	67	68	85	78
Total	2078	2156	2284	2147	2633	2366
Average	67.03226	69.54839	69.35484	69.25806	84.93548	76.32258

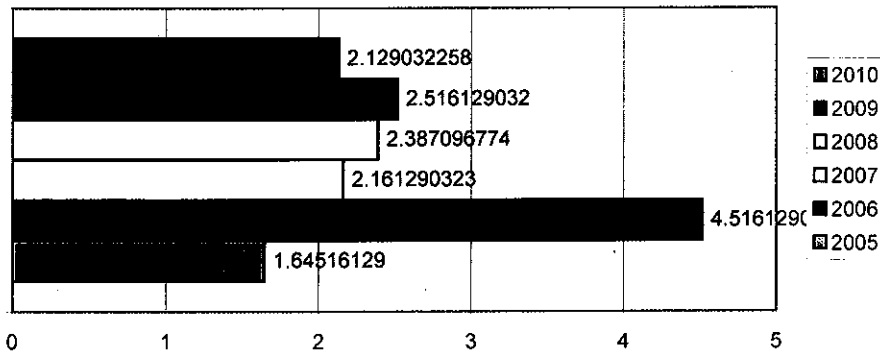


Attachment: October 2010 Jail Statistics (2307 : Jail Statistics)

Daily Admission October

	2005	2006	2007	2008	2009	2010
1	0	3	2	2	3	4
2	1	2	1	1	5	1
3	0	1	2	1	2	4
4	0	5	3	0	2	2
5	2	6	2	3	2	0
6	1	3	4	5	1	1
7	3	10	6	1	3	0
8	1	6	2	3	0	4
9	2	7	0	1	4	2
10	3	0	2	2	5	0
11	1	4	3	5	0	0
12	1	5	0	1	0	0
13	1	5	4	2	1	1
14	1	8	8	2	3	2
15	3	4	1	2	1	6
16	2	0	1	2	5	3
17	0	0	1	3	0	2
18	0	8	2	3	1	2
19	3	4	1	0	8	0
20	0	8	1	6	2	2
21	3	5	4	3	3	2
22	2	9	0	2	3	1
23	3	3	2	4	5	4
24	2	2	2	0	4	6
25	1	4	1	4	3	2
26	3	7	3	4	2	0
27	0	7	3	4	2	0
28	6	5	2	2	5	5
29	2	6	1	0	0	1
30	0	1	2	2	2	4
31	4	2	1	4	1	5
Total	112	140	67	74	78	66
Average	1.645161	4.516129	2.16129	2.387097	2.516129	2.129032

Attachment: October 2010 Jail Statistics (2307 : Jail Statistics)

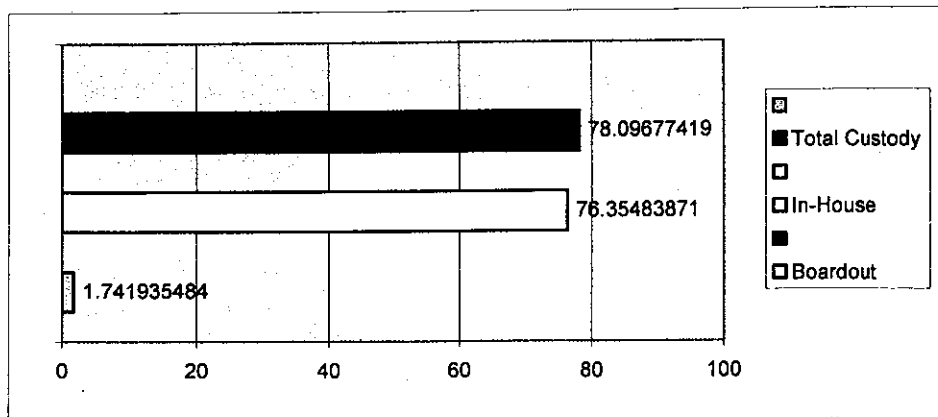


October 2010

Sheriff

	Boardout	In-House	Total Custody
1	3	82	85
2	3	83	86
3	3	83	86
4	3	83	86
5	1	77	78
6	1	79	80
7	1	80	81
8	1	77	78
9	1	76	77
10	1	79	80
11	1	79	80
12	2	75	77
13	2	79	81
14	1	75	76
15	2	75	77
16	2	72	74
17	2	72	74
18	2	72	74
19	1	75	76
20	1	74	75
21	1	71	72
22	1	71	72
23	1	72	73
24	1	74	75
25	1	75	76
26	1	75	76
27	1	75	76
28	4	76	80
29	3	77	80
30	3	76	79
31	3	78	81
Total	54	2367	2421
Average	1.741935	76.35484	78.09677

Attachment: October 2010 Jail Statistics (2307 : Jail Statistics)



2010 YEARLY BOARDOUT COST

2010	Boarding	Medical	Mileage	Labor	Total
Jan	\$9,600.00	\$315.68	\$448.80	\$817.02	\$11,181.50
Feb	\$3,760.00	\$397.12	\$327.60	\$541.36	\$5,026.08
March	\$720.00	\$171.43	\$45.60	\$88.74	\$1,025.77
April	\$3,950.00	\$0.00	\$457.20	\$621.30	\$5,028.50
May	\$14,255.00	\$0.00	\$978.60	\$1,483.57	\$16,717.17
June	\$7,115.00	\$113.43	\$544.20	\$801.68	\$8,574.31
July	\$5,010.00	\$1,361.65	\$534.60	\$717.47	\$7,623.72
Aug	\$3,810.00	\$0.00	\$684.00	\$1,287.05	\$5,781.05
Sept	\$5,680.00	\$0.00	\$378.60	\$495.50	\$6,554.10
Oct	\$5,295.00	\$39.50	\$447.60	\$880.18	\$6,662.28
Nov					\$0.00
Dec					\$0.00
Total	\$59,195.00	\$2,398.81	\$4,846.80	\$7,733.87	\$74,174.48

* All Medical and Boardout not received at time of printing

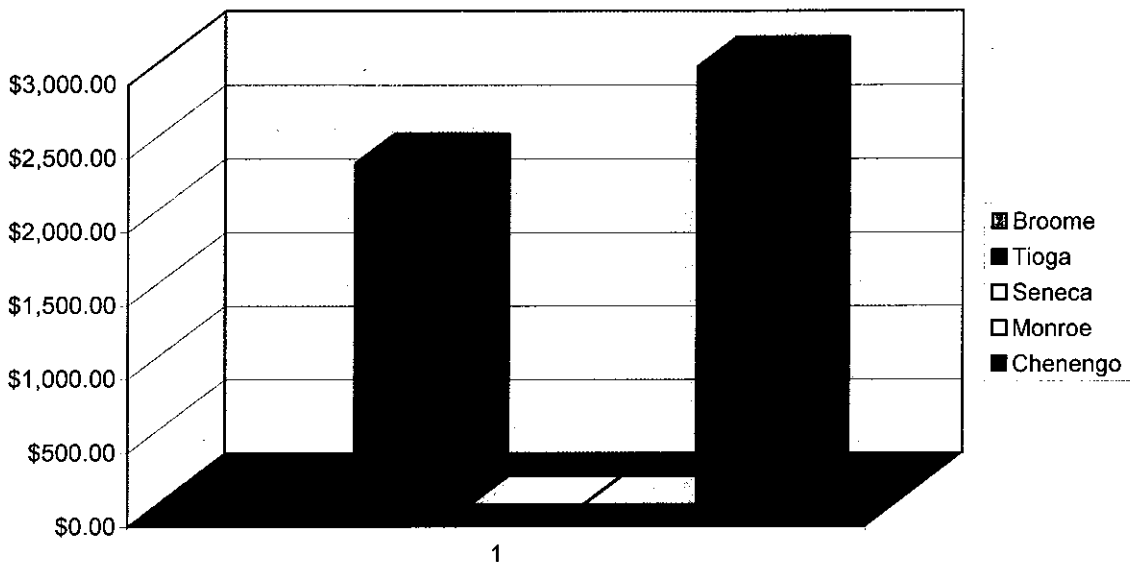
OCTOBER 2010 BOARDOUT AND KNOWN MEDICAL COSTS

	Broome	Tioga	Seneca	Monroe	Chenengo	TOTAL
Boardout	\$0.00	\$2,320.00	\$0.00	\$0.00	\$2,975.00	\$5,295.00
Medical	\$0.00	\$39.50	\$0.00	\$0.00	\$0.00	\$39.50
Total	\$0.00	\$2,359.50	\$0.00	\$0.00	\$2,975.00	\$5,334.50

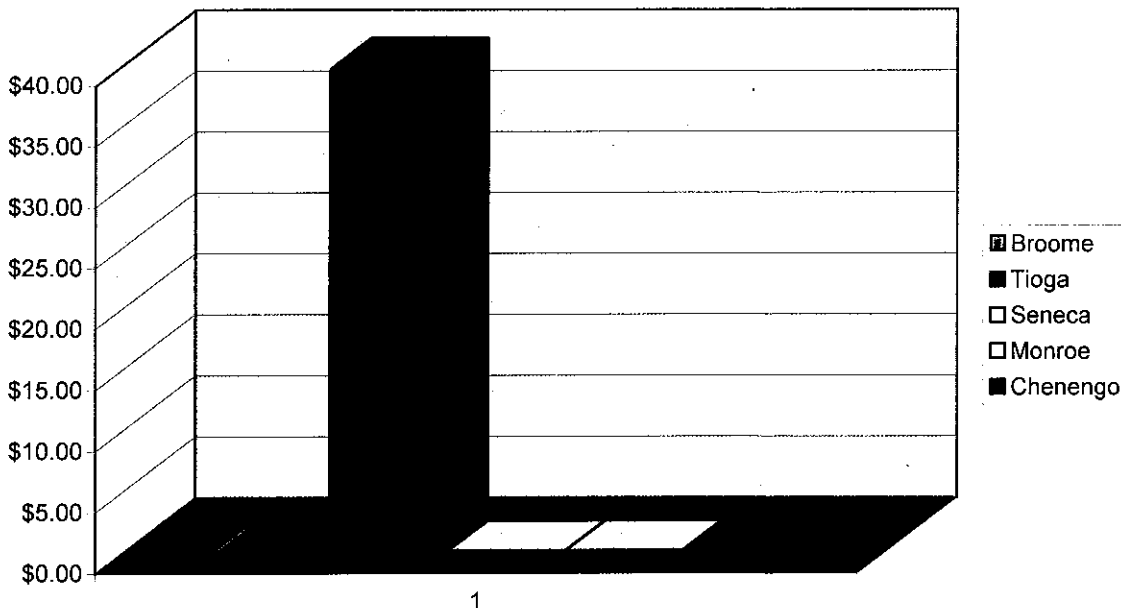
GRAND TOTAL

**** ALL BILLS NOT IN AT TIME OF REPORT**

BOARDOUT COST



MEDICAL EXPENSES



Attachment: October 2010 Jail Statistics (2307 : Jail Statistics)

HOUSED OUT BY FACILITY AUGUST 2010

	Adult Male	Adult Female	Minor Male	Minor Female	Total Days
TIOGA	1	0	0	0	3
CHENANGO	0	2	0	4	33
SCHUYLER	3	0	0	0	9
Seneca	0	0	0	0	0
TOTAL DAYS					45

HOUSED OUT BY FACILITY SEPTEMBER 2010

	Adult Male	Adult Female	Minor Male	Minor Female	Total Days
TIOGA	6	0	0	0	37
CHENANGO	1	1	0	0	32
SCHUYLER	0	0	0	0	0
SENECA	0	0	0	0	0
TOTAL DAYS					69

HOUSED OUT BY FACILITY OCTOBER 2010

	Adult Male	Adult Female	Minor Male	Minor Female	Total Days
Tioga	5	0	2	1	29
Chenango	1	1	0	0	35
BROOME	0	0	0	0	0
Seneca	0	0	0	0	0
TOTAL DAYS					0