

**STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE**

*Monday, April 2, 2018*

*9:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

**COMMITTEE:** Aaron I. Mullen, Chair Kelly H. Fitzpatrick, Vice Chair Frederick G. Potter  
Thomas J. Ryan

**STAFF:** Jack K. Wheeler Mitchell Alger Tina Goodwin  
Tim Marshall Hank Chapman Jim Allard  
Jennifer Prossick Cheryl Crocker Shawn Sauro  
Brooks Baker Noel Terwilliger

**LEGISLATORS:** Joseph J. Hauryski Carol A. Ferratella Hilda T. Lando  
John V. Malter Robert V. Nichols Gary B. Roush  
Gary D. Swackhamer Scott J. Van Etten

**ABSENT:** Steven P. Maio

**OTHERS:** Mary Perham  
James Post, *The Leader*

**I. CALL TO ORDER**

Mr. Mullen called the meeting to order at 9:00 a.m. and asked Mr. Wheeler to lead the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE MARCH 5, 2018, MEETING MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. DEPARTMENTAL REQUESTS**

A. Emergency Management Office

1. **Budget Adjustment – FY 15 SHSP Grant** – Mr. Marshall requested authorization to transfer a total of \$14,918.95 from various line items within the FY15 SHSP Grant into Major Equipment to purchase an access door control panel (card reader) at the Civil Defense Center, door breach simulator and mobile radios.

Mr. Potter asked why is the amount you are requesting different than the amount of \$14,935.04 which is shown on the budget transfer sheet? Mr. Marshall replied that is a typographical error and the total amount should be **\$14,918.95**.

Mr. Mullen asked will this have any effect on this year's budget? Mr. Marshall replied the State Homeland Security Grants are multi-year grants, typically two years. They are always a year behind. This grant actually ends August 2018.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO TRANSFER A TOTAL OF \$14,918.95 FROM VARIOUS LINE ITEMS WITHIN THE FY15 SHSP GRANT INTO MAJOR EQUIPMENT AND AMENDING THE MAJOR EQUIPMENT LIST TO REFLECT THE PURCHASE OF AN ACCESS DOOR CONTROL (CARD READER) AT THE CIVIL DEFENSE CENTER, A DOOR BREACH SIMULATOR AND MOBILE RADIOS MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Contract Renewals** – Mr. Marshall requested authorization to renew service agreements with Acclaim Systems for the Functional Needs Registry for an annual amount of \$2,500 and with Crisis Track for the damage assessment software for an annual amount of \$2,400. These two contracts were originally instituted using grant funds and the renewals are also being paid for with grant funds.

**MOTION: AUTHORIZING THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE TO RENEW SERVICE AGREEMENTS WITH ACCLAIM SYSTEMS FOR THE FUNCTION NEEDS REGISTRY FOR AN ANNUAL AMOUNT OF \$2,500 AND WITH CRISIS TRACK FOR THE DAMAGE ASSESSMENT SOFTWARE FOR AN ANNUAL AMOUNT OF \$2,400 MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. Sheriff's Office

1. **Contract Renewal – GTL** – Sheriff Allard requested authorization to renew the contract with GTL, which provides the inmate telephone system. There is no cost to the County as the users of the system pay for it.

**MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH GTL FOR THE INMATE TELEPHONE SYSTEM MADE BY MR. RYAN. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

2. **Contract Renewal – Schuyler County** – Sheriff Allard requested authorization to renew the contract with Schuyler County to provide our tactical team on stand-by during the annual NASCAR race event. They pay the salary and fringe costs.

**MOTION: AUTHORIZING THE SHERIFF TO RENEW THE CONTRACT WITH SCHUYLER COUNTY TO PROVIDE THE STEUBEN COUNTY TACTICAL TEAM ON STANDBY DURING THE ANNUAL NASCAR RACE EVENT MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

3. **Authorization to Provide Services to Outside Groups** – Sheriff Allard informed the committee that previously, because it was always done in the past, the Sheriff's Office provided services to outside groups. For years, the County received money in for the services of deputies at specific events. He stated that he asked the Law Department for a legal opinion on this and they determined that we do not have the authority to do this and as such, we will no longer be doing it.

Mr. Mullen asked could you provide some examples? Sheriff Allard replied we provided services for Purring Auctioneers during auctions and the Southern Tier Outdoor Show at Wilkins RV. Now, we will determine if an event requires public safety support, and if it does, we will support that, but there will be no payment received for that service. Examples of events that fit the public safety support requirement would be the Wineglass Marathon, the Steuben County Fair and the Cohocton Fall Foliage Festival.

Mrs. Ferratella asked could an off-duty Deputy provide services on their own time? Mr. Wheeler replied they would not be able to use any County equipment to do so. They would also have to fill out the outside employment form and have approval of the Sheriff and Personnel Office.

Mr. Van Etten asked if a private not-for-profit organization hosts an event that you decide needs a police presence, would they be able to make a donation to the County? Mr. Wheeler replied it cannot be a quid pro quo. The County cannot initiate the request for a donation and we cannot fundraise.

#### **IV. OTHER BUSINESS**

A. *Discussion Re: Jail Treatment Component of COPE Plan* – Dr. Chapman stated Mr. Mullen asked him to come today to talk about what we have been doing and what it would take to implement a substance abuse treatment program at the Jail. So far, other than discussion with the Sheriff and staff, he has been involved in the NYS Conference of Mental Hygiene Directors who have been working with the Sheriff's Association and NYSAC. Collectively, we submitted a proposal to the Governor requesting \$12.8 million to help fund substance abuse services in all county jails. As of late Friday, we received notification that the Governor signed off on that proposal. We anticipate in Steuben County that we will get upwards of \$156,000 to help fund substance abuse treatment services at the Jail. This has just been approved for this budget year (2018 – 2019). We will continue our efforts to advocate that it be continuing funding.

Dr. Chapman stated in answer to the question of what do we need; he agrees with what was in the presentation that the Sheriff and Mr. Baker presented. We need a substance abuse counselor and a part-time nurse. One thing that was not highlighted in their presentation was transitional services. A case manager would help as inmates are released from Jail, to make sure they are linked up to outpatient treatment services. To add to that, he would suggest that we also research the use of Vivitrol. Vivitrol is a once per month injection. This would be injected just prior to release and is something they would need to receive every month. The injection blocks the individual's craving for opiates. This is something we would want to research further. There was a pilot program in Albany for the use of Vivitrol. One of the drug companies, Alkermes, has agreed to provide this injection at no cost to counties through the Office of Alcohol and Substance Abuse Services (OASAS). We would want to make sure that continues. The injections cost \$1,000 per month. If the individual has Medicaid, the cost is covered. If the individual has private insurance, it depends on the carrier, but it would, in most cases, only be partially covered.

Mr. Wheeler asked do you know if any treatment providers in the area would support this? Dr. Chapman replied he would have to check locally to see if any of the physicians would be willing to provide the injections. One of the other medications that has been used is Suboxone, but that requires a physician to have a special certificate in order to administer. A physician would not need a special certificate to administer the Vivitrol. He anticipates that not many local physicians would want to do this.

Dr. Chapman stated Sheriff Allard and Mr. Baker had suggested a part-time nurse. If we go through with the Vivitrol component, he would want to have a full-time nurse. When an individual is released back out to the community, we need to share that position as we would have a number of people coming in that would need their Vivitrol injection and would require continued monitoring.

Mr. Ryan asked will individuals then have to wean themselves off the Vivitrol? Dr. Chapman replied this is not addictive and blocks the receptors in the body. There is no high from taking it. The injections will need to be continued and in addition, the individual has to be involved in counseling and learn to make lifestyle changes.

Ms. Fitzpatrick asked do the individuals have to stay on this for life? Dr. Chapman replied the length of time will vary by individual. Research has indicated that they may be on it for at least a year with supportive therapy. It will depend on the individual's circumstance. Mr. Baker commented Suboxone is potentially addictive and can be abused and has become another street drug. He commented that he thinks we have the support of physicians in both Hornell and Corning with regard to a willingness to administer the Vivitrol.

Dr. Chapman stated in terms of the cost for the jail treatment component, we anticipate receiving the \$156,000 from the State. That funding would pretty much cover the cost one the substance abuse counselor and a part-time nurse. If we opted for the full-time nurse, the County would need to contribute another \$25,000 - \$30,000 to make the position whole.

Mrs. Lando asked how would you measure the success of this program? Dr. Chapman replied the State has not established the measures, but he would assume we will need to provide some type of reporting mechanism. One part of the measurement would be whether the individual followed up with treatment upon their release and if they stayed in recovery. We would also look at whether there were any overdoses, any attempts to use or if they are no longer using. Sheriff Allard commented recidivism would also be a measurement indicator.

Mrs. Lando stated you mentioned having a case manager. Would they be going into the homes? Dr. Chapman replied yes, they could. He has a couple of case managers that he could provide part of their time toward this and we would be able to bill for those services. The case managers would meet the individuals in their homes or in the community and would follow up to make sure that they were keeping appointments. Additionally, if they opted to go elsewhere for their outpatient treatment, they would link them up to the appropriate provider.

Mr. Mullen asked have you considered looking at an RFP for a private entity to provide the counseling within the Jail? Dr. Chapman replied no, they have not looked at that. Sheriff Allard commented the issue you have to consider with privatizing is the safety and security of the Jail. If you are contracting those services, you may or may not get the same people. Mr. Wheeler commented you would want to have control over it. If you were going to be adding 20 staff, then we would look at a different way to do that, but we are only talking two to three additional staff.

Dr. Chapman explained any of these services provided at the Jail are not billable at that point in time as we are the payee. When the individuals are released, and if they continue to receive services through my department, then we can bill for services. We would be decreasing costs while providing this service while they are incarcerated, but we would increase our revenue through the clinic when they continue their outpatient treatment with our agency.

Mr. Potter commented other than using Vivitrol, the individuals would need counseling. You have to get to the root of the cause of their addiction. Dr. Chapman replied that is what the substance abuse counselor would be doing at the jail; they would do the initial assessment and provide individual and group counseling. Mr. Baker stated the outpatient treatment component will be made a part of their probation or conditional discharge. If they do not follow through with that, they will go back to jail. Dr. Chapman commented with the Albany County pilot, it showed that if the individuals can be engaged in treatment while in jail, approximately 75 percent of them continued with treatment after their release.

Ms. Fitzpatrick asked what will be the protocol for treatment? Listing to the individuals at last month's board meeting, it seemed as though the treatment was too short. What will be the length of time for this program? Dr. Chapman replied the length of treatment goes back to the individual and their circumstances. He stated his sense of the people at the forums is that they may have elected to stop when they did. With our program, there is not a maximum amount of time. Mr. Wheeler commented they have to want to, or be compelled to, maintain their treatment outside of jail. Sheriff Allard stated most insurances base rehabs starting at 10 days. If the individual is successful that is great. If not, then they will allow for a 28-day stay. With our program at the jail, we are looking at 60 days of treatment right off the bat.

Mr. Van Etten asked how many inmates at the jail right now have this issue? Sheriff Allard replied 80 percent of our inmates are addicted to some substance. As of this this morning we had 204 inmates and 80 percent would be addicted to drugs or alcohol. Mr. Van Etten asked are we only dealing with opioids? Sheriff Allard replied we would be providing addiction counseling. Mr. Van Etten commented with that many inmates addicted, is one person going to be enough? Dr. Chapman replied we also have a part-time counselor who is already working at the jail. The majority of that individual's time is spent doing pre-sentence evaluations, but in addition, they are able to do some group counseling.

Mr. Baker commented the individual has to be ready for treatment. Some of the inmates will not be eligible. They will have to be non-violent and non-sexual offenders in order to participate in the program. Dr. Chapman commented not all of the inmates will be addicted to opioids. Mr. Van Etten commented so the metric of success would depend on how long they are in jail? Mr. Baker replied a 28-day program is not enough time to deal with opioid addiction.

Mr. Mullen asked how large a subset of the 80 percent do you think we are looking at that would be eligible for this program? Mr. Baker replied we would be looking at non-violent, non-sex offenders that can safely be released into the

community. There would be at least half of those who would be eligible. Mr. Mullen asked if he could provide a snapshot of what the actual numbers might look like for next month. Mr. Baker stated it will be very similar to the drug court model and that has been very successful.

Mr. Mullen asked what aspects will you be working on over the next month? Mr. Wheeler replied we will want to see how the State budget shakes out and see how they allocate the funding. There is also a \$100 million from the opioid manufacturers; basically a tax, that was passed with the budget. We could add the staff at the jail at any point in time. We need to look at what the funding mechanism is going to look like. Dr. Chapman stated we also need to look at the Vivitrol protocol and what that will look like. Mr. Wheeler commented there will be changes in the community with regard to inpatient and outpatient treatment. We are hoping we will receive this funding.

Mr. Mullen asked will this require additional space at the jail? Sheriff Allard replied no. We have program rooms that we can use for group counseling. We also have small areas that can be used for individual counseling.

Mr. Mullen stated for next month's meeting he would like to see a budget analysis from the State, a local protocol for who can take care of the Vivitrol component and the number of eligible inmates at the jail and how those numbers break down.

**B. *Counsel at Arraignment*** – Mr. Mullen asked for an update on where we are with counsel at arraignment. Mr. Baker stated Judge Moran came down a couple of weeks ago and we put together a plan that was submitted to Albany, but we have not heard anything yet. Mr. Wheeler stated the Senate passed a proposal for the jail to be the holding facility. This is a key component to the plan that was submitted. Right now, there is no place to hold folks for pre-arraignment. It dovetails with the plan on how to get timely arraignments. Mr. Baker explained in the plan we submitted, if the jail is deemed a holding facility, we could arraign twice per day. We would already have staff at the courthouse. If the jail cannot be designated as a holding facility, then we cannot do arraignments twice per day.

Mr. Mullen asked what physical space are you looking at for the courtrooms? Mr. Wheeler replied there are the courtrooms in this building, however, there is an issue with the court clerks. The plan was to do arraignments during the day and have sitting judges that could hear cases. We had talked about holding arraignments first thing in the morning. Sheriff Allard commented we could have evening court and weekends. Mr. Baker stated you would have to get the judges to go along with that.

Mr. Mullen asked would there be a call out fee? Mr. Baker replied yes, there would be a \$250 per day call out fee for the local judges. One judge would be on call to do arraignments for the entire county. Mr. Wheeler stated there was the idea to utilize the court clerks, however, the county does not employ court clerks. We will submit that in our plan for funding.

Mr. Mullen asked if we had arraignment clerks throughout the county in the local courts, how would that impact the workload? Mr. Baker replied most of the time the clerks do not come out for the arraignments. We would have to create someone who would be doing that. Mr. Mullen asked would they do the processing? Mr. Baker replied yes. We are creating more clerk work. They have to organize and be able to get the paperwork out to the public defender and then back to the town court.

Mr. Sauro commented it is all about logistics. An arraignment clerk would be fielding all courts in the county and making sure they are getting the appropriate papers where they need to be. Mr. Mullen asked that they provide more information about this at next month's meeting.

Mr. Wheeler stated we can reach out and get the draft plan. Mr. Baker stated if the jail holding location piece does not work, we will have to redo the plan. Sheriff Allard commented they have to amend the NYS Corrections Law to designate the jail as a holding center. This did pass the Senate.

Mr. Swackhamer asked has there been any look into the future of doing arraignments electronically or on Skype? Mr. Baker replied the Defender's Association is against that as they view it as a violation of constitutional rights.

Mr. Mullen commented he thinks it would be appropriate for this committee to provide input before these plans are sent out. He would like to look at the information on what we are doing and the potential savings to the District Attorney's and Public Defender's Offices to send staff out all over the County. It would be good to have a record of that information.

Mrs. Lando asked what is the status of the two new deputy positions? Sheriff Allard replied they have hired two individuals who will be starting April 9<sup>th</sup>. They both have already attended interdiction training last week. They are well trained and very familiar with the County.

**MOTION: TO ADJOURN MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**\*\*NEXT MEETING SCHEDULED FOR\*\***

**Monday, May 7, 2018  
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS  
NO LATER THAN NOON  
Monday, April 30, 2018**