

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, December 9, 2019

9:00 a.m.

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

****MINUTES****

COMMITTEE:	John V. Malter, Chair Frederick G. Potter	Kelly H. Fitzpatrick, Vice Chair Thomas J. Ryan	Steven P. Maio
STAFF:	Jack K. Wheeler Brenda Aston C.J. Klepacz Cheryl Crocker Andy Morse	Christopher Brewer Tina Goodwin Jennifer Prossick James Allard Craig Patrick	Tim Marshall Shawn Sauro Noel Terwilliger Jennifer DeMonstoy Brenda Mori
LEGISLATORS:	Joseph J. Hauryski Hilda T. Lando Gary D. Swackhamer	Carol A. Ferratella Robin K. Lattimer Scott J. Van Etten	K. Michael Hanna Robert V. Nichols
OTHERS:	Jeffrey P. Horton, Legislator-Elect James Post, <i>The Leader</i> Mary Perham		

I. CALL TO ORDER

Mr. Malter called the meeting to order at 9:00 a.m. and asked Ms. Prossick to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE NOVEMBER 4, 2019, MEETING MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Public Defender

1. **Contract Approval – Rural Health Network’s AmeriCorps Program** – Mr. Sauro requested authorization to enter into a contract Rural Health Network for their AmeriCorps Program. He stated he is trying to gravitate toward a more holistic model, which in the future, would mean utilizing staff to help clients navigate through recovery, housing, etc. This contract would be for one year and there is no commitment on the part of either party. The cost would be a maximum of \$7,000 per person and he be looking at starting with two people as a test. One person would be our Community Outreach Coordinator to help educate the community. The second person would be an Intake Coordinator and they would spend time with the clients to get to know them and understand their issues. This contract has been vetted through the Personnel Office and there are no issues with Civil Service. Mr. Wheeler commented this is all grant funded. Mr. Sauro stated the cost is completely covered for 2020.

Mr. Sauro stated a prime example of how this contract will help is if we have a client who is in need of inpatient mental health services and they are housed at the Jail; there are a lot of insurance issues and difficulties funding beds. He thinks it would be faster and more efficient if we had a more hands-on person that would help out greatly.

Mr. Malter asked would this streamline the process? Mr. Sauro replied yes, he thinks it will to a large degree; especially having an Intake Coordinator. This will be filling the gaps that we are currently not able to fill. Mr. Wheeler explained under Hurrell-Harring, you cannot replace the costs or personnel, it is all incremental adds.

Mr. Van Etten asked do these individuals have background training in law, or social work? Mr. Sauro replied we will provide a job description and AmeriCorps does the vetting and background. Ms. Prossick commented Rural Health Network/AmeriCorps was funded from the Governor's task force to fight opioids. They have restrictions on who they can hire. Mr. Wheeler commented we have used AmeriCorps in the past for other departments.

Ms. Fitzpatrick asked how many clients do you think this will help? Mr. Sauro replied as many as we have time to do.

MOTION: AUTHORIZING THE PUBLIC DEFENDER TO CONTRACT WITH RURAL HEALTH NETWORK FOR THE AMERICORPS PROGRAM FOR A MAXIMUM ANNUAL COST OF \$7,000 PER INDIVIDUAL MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Potter asked what will happen after 2020? Mr. Sauro replied the funding will continue. Every year under Hurrell-Harring we revisit the budget and the previous years' costs are taken into account. We will have the ability to expand the program or do away with it if it is not functional. Mr. Wheeler explained these are rolling grants and the years overlap. You have the incremental add of \$200,000 every year for five years and then supposedly the money will stay there for a maximum of \$1.3 million. The State has to meet the requirements of the Hurrell-Harring settlement as well.

Ms. Fitzpatrick asked how will you measure success? Mr. Sauro replied it will be difficult, but success will come from our ability with these folks to get information to the attorneys that we need and expedite the process of allowing the attorneys to address issues quickly. Mrs. Lando asked can we get a quarterly report to see how this is going? Mr. Wheeler suggested that Mr. Sauro just add it to his monthly report. Mr. Maio also requested that Mr. Sauro keep the committee apprised of their community outreach efforts.

Mr. Van Etten asked do we have space for these individuals? Mr. Sauro replied we will be able to make room.

Ms. Fitzpatrick asked what kind of information will the Intake Coordinator get that you need? Mr. Sauro replied we are trying to look at and take an accurate history; social history, treatment; other background information and then letting the attorneys know the target spots. Mrs. Ferratella asked will you be in conflict with, or complement the Department of Social Services with this service? Mr. Sauro replied it will be a complement to the Department of Social Services.

Ms. Fitzpatrick stated she knows this is money that we have to invest; however, her problem with it is we are going to hand-hold someone who does not have to do one single thing that you suggest. A lot of the public comments she is hearing that we are spending more money to do more hand-holding and they can just walk away. Mr. Sauro explained the individuals that have not been convicted of any crimes get arraigned and released. For a lot less money, they will be guided through the system by their attorney. Like it or not, this is the system. If we are going to have somewhat more people out there free; the jail is not filled with people who have been convicted of a crime. The fact of the matter is if they are going to be out, this is a way to help them not do these things again. Ms. Fitzpatrick stated this is how the law-abiding citizens view it and they do not like it. I personally think it is a good idea. Mr. Sauro stated you are focused on the fact that we cannot compel the individuals to comply, but the court can. At the front end, if they can get involved in the things that they should be, all of a sudden, maybe Jail doesn't make sense and part of the Probation supervision would be that they shall do certain things. I would never compel a client to do something, but the court can.

Mr. Malter asked if we do not accept this, where does the money go? Mr. Sauro replied this is not mandated by the State, but under Hurrell-Harring, there needs to be quality improvement. If we do not do this, then the money would go back. Mr. Wheeler stated you would have to reallocate the money for a different quality improvement

program. Ms. Fitzpatrick commented she just wants to completely understand the process that is involved; she is not against this.

Mr. Malter stated we should have had this information sent to us prior to the meeting so that we could have reviewed it.

Mr. Swackhamer asked how are we going to judge this program? For example, you cannot force an alcoholic to stop drinking. How much more are you overloading the Department of Social Services by directing them to go there? Ms. Prossick explained one big aspect of this is the family court side. There are federal regulations that are moving the termination of parental rights at a much faster timeframe. For example, a parent would lose their children in less than two years if they do not do anything. The attorneys do not have the time to hold their hands, as they would have five months to complete. It is very important for the family court side that clients get engaged early on. She stated when she was a Public Defender that is something that took up a lot of her time; she spent 75 percent of her time as a social worker. This will allow the attorneys to do their attorney work and still have a person to get them into services and lessen the burden on the Department of Social Services. That is her perspective on this; this should help with that. Mr. Maio commented substance abuse is a driving factor for parents losing their parental rights. Mr. Wheeler stated if you authorize this contract, you would be engaging these services for \$14,000 annually.

Mr. Malter stated we will look at this in three months and see how it is going. Mrs. Lando commented this will not solve everyone's problems, but if we can save some, then that will be a good thing. Mr. Sauro stated this has been done elsewhere and is patterned after the Bronx Defense Model. The contract, if approved, would be effective April 2020.

Mr. Ryan asked will you have the option of saying where the AmeriCorps' workers time will be spent? Mr. Sauro replied yes. A lot of this has to do with the quality improvement and the push from Hurrell-Harring. We will be starting out more on the criminal side. If we can do this and it is working, then this is something that we would want to continue and then we can look at expanding.

VOTE ON PREVIOUS MOTION. MOTION CARRIES 4-1. (MR. RYAN OPPOSED)

2. **2020 Hiring Plan with Hurrell-Harring Settlement Funds** – Mr. Sauro informed the committee that during 2020, he will be coming back to committee and asking for the creation and approval of several positions; all of which are funded with Hurrell-Harring funds. These positions have been included in the 2020 budget. He will ask for the ability to fill the Assistant Public Defender position that was created last year. He will also be requesting to add another Paralegal, one Senior Typist and one Typist. He needs these positions as CAP Court is currently staffed by two attorneys with him as the backup. He would like another Assistant Public Defender to handle the case caps, but he will also be putting that third attorney into the CAP court rotation.

Mr. Malter asked what is the caseload limit? Mr. Sauro replied it varies by the type of cases handled. For example, with felony cases, attorneys are capped at 120 cases per year. In order to comply with the caseload limits, he has a five-year plan to add one attorney every year for the next five years and being able to meet the caseload requirements by 2023.

Mr. Potter commented the District Attorney is having difficulty finding attorneys; how will you find them? Mr. Sauro replied he has attended the Buffalo career fair where attorneys looking for work can also attend. You also have the ability to contact them prior to the fair and you can conduct interviews at that time. He stated when he attended, he came back with six resumes.

Mr. Maio asked with Hurrell-Harring and criminal justice reform, will you find that your workload is going to increase similar to the District Attorney? Mr. Sauro replied he does not know if it is one to one. The District Attorney has to process the information and on the flip side, we have to gather and go through it. There will be some heavy lifting on our end, but it will be a little different from what the District Attorney will need to do. He

wants to wait and see how his office does with this using what they currently have. Mr. Sauro stated the Senior Typist will also be our Data Access Officer, which is mandated. The State is now offering classes to do that job and this will be a very important position in our department.

Mr. Van Etten asked what about office space? Mr. Sauro replied that is an issue. Mr. Wheeler stated this has all been planned for in the renovation plans. For the short-term, we will make it work.

3. **Bail and Discovery Reform Discussion** – Mr. Sauro stated he wants to offer a glimmer of hope. New York State is one of the last of five states to actually come up to speed and do this. The concern is that with this reform there will be more criminal behavior and more people evading the laws of consequence. He is not discounting that concern and we need to be sensitive to that. As for why this is happening, everyone has the right to a fair and speedy trial, and that has not been happening very well up to this point. People were languishing in jail for days/weeks/months because they were unable to make bail. Even if bail was set at \$100, if someone could not afford it, it may as well have been set at \$1 million. People are innocent until proven guilty, but they would still sit in jail and something had to happen with that. He stated pretrial detention comes with a lot of costs to society. It only takes a day or two to lose a job, a home, children, etc. Those that have the money to defend themselves can do so from a position of freedom.

Mr. Sauro explained when a person is incarcerated, it hinders their ability to participate in their own defense. Recent studies show that pretrial detention will increase the chances of being jailed in the future. However, there are no statistics to show that pretrial detention makes you any better. On a positive note, in Brooklyn they have set up a community bail fund and other bail funds are being implemented across the State. There has been no significant change in the number of people who show up to court.

Mr. Sauro stated relative to discovery reform, approximately 95 percent of cases end with a plea agreement, the vast majority of people without seeing the evidence against them, had to make a decision; that is known as the Blindfold Law. This is particularly unfair and most folks will plea to just about anything to get out of jail. We are now coming up to speed with the rest of the country. He stated he thinks if we give these things a chance, they will work themselves out.

B. Emergency Management Office

1. **Approval of Updated Fire Mobilization Mutual Aid Plan** – Mr. Marshall informed the committee they made some changes to the County's Fire Mobilization Mutual Aid Plan to include the newly created joint fire district in the Town of Corning. This district encompasses the previously separate South, East and North Corning districts and they are merging into one joint district.

Mr. Maio asked what about Gibson? Mr. Marshall replied they are still independent; they are still responding to calls but are using mutual aid assistance. We have been running a lot of mutual aid. He thinks they will start to see more districts merging.

MOTION: APPROVING THE UPDATED FIRE MOBILIZATION MUTUAL AID PLAN AS PRESENTED BY THE DIRECTOR OF THE EMERGENCY MANAGEMENT OFFICE MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Change Order** – Mr. Marshall requested authorization for a change order in the amount of \$4,569 relative to the Whitesville Tower project. We are retuning the fire frequencies on this tower. This is all covered by grant money.

MOTION: APPROVING A CHANGE ORDER IN THE AMOUNT OF \$4,569 RELATIVE TO THE RETUNING OF FIRE FREQUENCIES ON THE WHITESVILLE TOWER MADE BY MR. POTTER. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

C. Sheriff's Office

1. **Approval to Purchase 360 Degree Camera with Software Program** – Sheriff Allard requested authorization to purchase the 360 Degree Camera with software pack through homeland security. The total cost is \$11,814. This camera is set in a crime scene or rescue scene and documents, with photos and videos, the contents of the scene. It is used on almost every homicide or crime scene. Mr. Wheeler stated the funds are in the budget.

MOTION: AUTHORIZING THE SHERIFF TO PURCHASE THE 360 DEGREE CAMERA WITH SOFTWARE PACKAGE THROUGH HOMELAND SECURITY FOR A TOTAL COST OF \$11,814 AND AMENDING THE SHERIFF'S OFFICE MAJOR EQUIPMENT TO REFLECT THIS ADDITION MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Contract with Towns/Villages to Provide Enhanced Law Enforcement Support** – Sheriff Allard informed the committee that in the past he has been contacted by various municipalities asking for additional coverage. He would like authorization to contract with the towns and villages to provide enhanced law enforcement support, with the municipalities making the County whole. Last summer he had received a request from the Town of Urbana and more recently from the Village of North Hornell for additional traffic enforcement. He explained no additional staff will be required and this contract is strictly for the reimbursement of overtime services.

Mr. Malter asked if we are utilizing our staff and overtime, how much will this cost the Village of North Hornell? Sheriff Allard replied the cost is \$1,500 per month. Mr. Wheeler explained he has suggested the cost plus additives including Workers' Compensation; on average for a mid-range Deputy, the cost would be \$50.00 per hour. The proposal is a resolution authorizing a blanket contract with the municipalities and the inter-municipal agreements would come back to the committee on an annual basis.

MOTION: AUTHORIZING THE SHERIFF AND COUNTY MANAGER TO ENTER INTO INTER-MUNICIPAL AGREEMENTS WITH THE TOWNS AND VILLAGES TO PROVIDE ENHANCED LAW ENFORCEMENT SUPPORT MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Van Etten asked are the taxpayers double paying? Sheriff Allard replied no, that is why this is not in addition to. Mr. Van Etten stated other municipalities have paid for recurring and enhanced services. Ms. Prossick explained it is unlawful to reallocate funds of the whole taxpayer base. However, adding overtime expense is lawful.

Mr. Maio asked is this agreement just for those municipalities without their own police force? Sheriff Allard replied typically.

Mr. Swackhamer stated he does not understand; how is this going to work? Sheriff Allard replied we will try to get deputies to come in two hours earlier or stay two hours later. This is totally voluntary. Mr. Swackhamer asked are you taking deputies off their current duties to do this? Sheriff Allard replied this will be in addition to their normal shift.

Mr. Van Etten asked is there any commitment that we must do this? Sheriff Allard replied no. Mr. Wheeler commented we have also suggested capturing the mileage expense as well. Sheriff Allard stated the idea is to meet the needs of the municipalities and keep the County whole.

Mr. Maio asked with the Village of North Hornell, will there come a point where motorists will expect you to be there? Sheriff Allard replied no. We are trying to target various times so that it is not predictable. The idea is to bring people into compliance.

Mr. Potter stated he has six small towns in his district with no law enforcement; if enhanced services are requested, the taxpayers will ask why they are paying extra. Sheriff Allard stated the taxpayers will not pay extra;

these services are above and beyond. Ms. Prossick stated we are recouping the cost of the Workers' Compensation through this process; however, she would be remiss if she did not mention that if someone gets hurt, it is on the County.

VOTE ON PREVIOUS MOTION. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

3. **Budget Adjustments**

- *2019 End of Year Food & Kitchen Supplies* – Sheriff Allard requested authorization to transfer a total of \$50,400 from various line items within the Jail budget to cover the year end expenses for food and kitchen supplies for the Jail.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER A TOTAL OF \$50,400 FROM VARIOUS LINE ITEMS WITHIN THE JAIL BUDGET TO COVER THE YEAR END EXPENSES FOR FOOD AND KITCHEN SUPPLIES FOR THE JAIL MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

- *Minor Equipment to Major Equipment* – Sheriff Allard requested authorization to transfer \$7,200 from Minor Equipment to Major equipment to purchase DroneSense Software and to fix a broken drone. He also requested authorization to amend the Major Equipment list to include the purchase of DroneSense Software.

MOTION: AUTHORIZING THE SHERIFF TO TRANSFER A TOTAL OF \$7,200 FROM MINOR EQUIPMENT TO MAJOR EQUIPMENT TO PURCHASE DRONE SENSE SOFTWARE AND TO FIX A BROKEN DRONE AND AMENDING THE MAJOR EQUIPMENT LIST TO REFLECT THE PURCHASE OF THE DRONESENSE HARDWARE AND REPAIRS TO THE BROKEN DRONE MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Other** – Mr. Malter asked what is the population at the Jail? Sheriff Allard replied as of yesterday it was 123. He noted that Sunday they held their awards ceremony and Don Lewis received the Career Commendation and Brian Harrison was voted Corrections Officer of the Year by his peers. Deputy Matt Butler was voted Deputy of the Year by his peers. Mr. Ryan asked in the future if the Legislators could be made aware of these ceremonies as Investigator Lewis is a constituent in his district and had he known, he would have liked to attend.

D. **911**

1. **Emergency Notification System Contract Renewal** – Mrs. Goodwin requested authorization to renew the contract with CodeRed and IPAWS which is for the emergency notification system. The renewal is \$21,656.25 which is the same price as last year, and we have money in the budget.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CONTRACT THE EMERGENCY NOTIFICATION SYSTEM (CODERED AND IPAWS) FOR AN ANNUAL COST OF \$21,656.25 MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Priority Dispatch Online College** – Mrs. Goodwin informed the committee this is the program they have used for continuing education for the dispatchers. The annual cost is \$2,670 and provides education for all of the dispatch staff. Additionally it provides extra lessons and allows them to take their recertification tests. This cost covers education for 30 dispatchers.

MOTION: AUTHORIZING THE DIRECTOR OF 911 TO RENEW THE CONTRACT WITH PRIORITY DISPATCH FOR CONTINUING EDUCATION FOR 30 DISPATCHERS AT AN ANNUAL SUBSCRIPTION COST OF \$2,670 MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

E. **District Attorney**

1. **Authorizing a Contract for the VOCA Grant** – Mr. Terwilliger stated earlier in the year the committee had approved them accepting \$17,846.84 in VOCA (Victims of Crime Acts) Grant. This funding is to be used to hire a part-time Victim Advocate and a part-time Victim Advocate Aide. He noted the Department of Social Services already has a contract with the Institute for Human Services for a coordinator for the Child Advocacy Center and he would like to contract with the Department of Social Services to hire individuals through the Institute for Humans Services for these two part-time positions.

MOTION: AUTHORIZING THE DISTRICT ATTORNEY TO CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES TO HIRE A PART-TIME VICTIM ADVOCATE AND A PART-TIME VICTIM ADVOCATE AIDE THROUGH THE INSTITUTE FOR HUMAN SERVICES, FOR THE CHILD ADVOCACY CENTER, FOR AN ANNUAL COST OF \$17,846.84 MADE BY MS. FITZPATRICK. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **VOCA Grant Equipment** – Mr. Terwilliger stated he just wanted to let the committee know that they will be purchasing three desks, dictation equipment and computers with VOCA grant funding.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.A. MATTERS WHICH WILL IMPERIL PUBLIC SAFETY IF DISCLOSED MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. RYAN. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. MAIO. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Monday, January 6, 2020
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, December 30, 2019**