

STEBEN COUNTY PUBLIC SAFETY & CORRECTIONS COMMITTEE

Monday, March 5, 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 Steven P. Maio
Frederick G. Potter Joseph J. Hauryski (voting member)

STAFF: Jack K. Wheeler Mitchell Alger Tim Marshall
Cheryl Crocker Jim Allard Brooks Baker
Andy Morse Alan Reed Shawn Sauro
Nate Alderman

LEGISLATORS: Carol A. Ferratella Hilda T. Lando John V. Malter
Gary B. Roush Scott J. Van Etten

ABSENT: Thomas J. Ryan

OTHERS: Kristin Klemenz, B & W Towing
Chief Jeff Spaulding, Corning City Police Department
Chief Chad Mullen, Bath Village Police Department
Chief Marc Chapman, Wayland Village Police Department
Chief Kyle Amidon, Canisteo Village Police Department
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. Marshall to lead the Pledge of Allegiance.

II. APPROVAL OF MINUTES

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

III. DEPARTMENTAL REQUESTS

A. Sheriff's Office

1. **Snowstorm** – Sheriff Allard stated that he would like to commend Mr. Marshall on the job the Emergency Operations Center (EOC) did during last week's snowstorm. They did a great job of getting information out and getting shelters set up.

2. **2018 STOP-DWI Crackdown Grant Funding** – Sheriff Allard requested authorization to accept an additional \$1,300 in STOP-DWI grant funds.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AN ADDITIONAL \$1,300 IN 2018 STOP-DWI CRACKDOWN GRANT FUNDING MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **Bulletproof Vest Partnership Funds** – Sheriff Allard requested authorization to accept grant funds for bulletproof vests. The total amount is \$13,800. The Federal government will reimburse us 50 percent. The State will reimburse us 50 percent, but only for new police officers. It works out that only about \$3,000 - \$4,000 is not reimbursed. This will enable us to purchase 10 vests for Corrections Officers, 8 vests for Road Patrol and 2 vests for Probation.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT AND APPROPRIATE \$7,167.19 IN BULLETPROOF VEST PARTNERSHIP FUNDS AND AUTHORIZING AN EXPENDITURE OF \$13,800 FROM THE VEST LINE ITEM TO PURCHASE 10 VESTS FOR CORRECTIONS, 8 VESTS FOR ROAD PATROL AND 2 VESTS FOR PROBATION MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **In-Car Camera Bid Award** – Sheriff Allard informed the committee they put out bids for in-car cameras. They received four bids. He recommended awarding to the low bidder, Truckers Lighthouse for a total cost of \$8,440.

MOTION: AWARDED THE BID FOR IN-CAR CAMERAS FOR THE SHERIFF'S OFFICE FOR A TOTAL COST OF \$8,440 MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

5. **Authorization to Bid for TruNarc** – Sheriff Allard requested authorization to put out a bid to purchase a TruNarc. He explained this is a device that will allow for field testing narcotics through packaging. We have money available in a grant to purchase this. Mr. Mullen asked how much is the grant? Sheriff Allard replied it is \$23,000.

MOTION: AUTHORIZING THE SHERIFF, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO SOLICIT BIDS FOR TruNarc MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

6. **Donations** – Sheriff Allard requested authorization to accept two donations. The first is \$100.00 for the purchase of AED's and the second is \$125.00 for the Project Lifesaver program.

MOTION: AUTHORIZING THE SHERIFF TO ACCEPT TWO DONATIONS; ONE FOR \$100.00 FOR THE PURCHASE OF AED'S AND THE SECOND FOR \$125.00 FOR THE PROJECT LIFESAVER PROGRAM MADE BY MS. FITZPATRICK. SECONDED BY MR. MAIO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

7. **Personnel**

a. *Reclassification of Four Positions to Deputy Sheriff Positions* – Sheriff Allard stated since last week's opioid crisis presentation at the Legislative Meeting, there have been four overdoses in Corning resulting in two deaths. Of the four overdoses, three were women. He introduced Chief Spaulding (Corning City PD), Chief Amidon (Canisteo Village PD), Chief Chapman (Wayland Village PD) and Chief Mullen (Bath Village PD) who are here to speak to the need for additional investigators and a drug interdiction team.

Chief Mullen, stated the Village of Bath has one investigator. We used to have two; one for narcotics and one for property crimes. My patrols are very busy. When he has an investigator out there, they always need more help. There are not enough people to help with the narcotics transactions we are doing. The State Police CNET unit is staying in Binghamton and not coming down to our area. We are looking for more help with the narcotic sales in this area. He stated he spends a lot of money on overtime to bring people in to help.

Chief Chapman, stated he echoes everything that Chief Mullen has said. Narcotic investigations are very labor intensive and take the full dedication of one officer to do that.

Chief Amidon stated the Village of Canisteo does not have the staff or the budget to do what we could do. All of our departments work very closely together. We need the manpower. Investigations can be lengthy and we do try to support each other.

Chief Spaulding stated the City of Corning has a much larger staff than Bath and Canisteo, but we only have one full-time investigator. We have not been able to add narcotics as that individual is currently on disability leave. Our patrol force is overworked and we have tried to switch to interdiction enforcement. With the Sheriff's proposal, the deputies would be all over the County. The people dealing to Corning are delivering to the entire county. Supporting the Sheriff is the best option for him.

Mr. Marshall stated from the EMS side of things, this drug situation is part of the EMS crisis we have because of the number of overdoses the squads are seeing. We are trying to reduce the number of overdoses and keeping ambulances available for other calls is important. This doesn't just affect Law Enforcement; it affects EMS and Fire services as well.

Mr. Wheeler stated from a practical budget standpoint, one way to soften the blow is to look at this as an investment. We have the resources to do it. One of the thoughts is to request the reclassification of the four positions and only fill two in the interim. The Sheriff will be applying for a COPS grant through the Federal Government. If they do new hires, the grant would pay the salary for three years. If you approve all four and only fill two, the new grant cycle is coming up and if approved, then you could fill the remaining two positions and have those paid for three years. The grant is not a guarantee, but it is a way to try to leverage outside funding.

Mr. Hauryski asked if the positions are approved, how soon would they be implemented? Sheriff Allard replied the best case scenario is that all four positions would be approved and funded today. We would have to hire, go through orientation and that would take us to the middle of next month. Then there would be four to six weeks of field training, and then interdiction training. For a drug investigator, it will take six to eight months to get them trained and experienced to be up and running. The longer we wait, the longer that date gets pushed out. In the best case scenario, we could have two deputies doing interdiction in two months

Mr. Baker stated to have four overdoses since last Monday shows the magnitude of this problem. He would ask that the committee get all in. We are losing college students and other members of our community.

Mr. Hauryski asked why isn't the State Police doing interdiction on I-86 and US-99? Mr. Baker replied the State Police are charged with controlling traffic safety and speeds. The TIM (Traffic Incident Management) units are there to write tickets, not do interdictions and they do not have the facility to change that. Mr. Wheeler commented we are a good training ground for their troopers. Sheriff Allard explained interdiction goes beyond a vehicle stop. Often it can take 1 ½ to 3 hours or the remainder of the day. The State Police do not want to be tied up with that.

Mr. Van Etten asked are any of these positions funded in the budget? Mr. Wheeler replied no, these are vacant positions. Because we budget a number of vacant positions, if you reclassify them, then by function they would be funded, as long as you stay within the overall vacancy budget. We have the flexibility to fill them.

Mr. Van Etten asked if we do a soft entry by filling two of the positions, do we have vehicles for them? Sheriff Allard replied yes. Mr. Van Etten asked if we approved all four positions, would we have vehicles? Sheriff Allard replied no.

Mr. Swackhamer asked have we looked forward? For instance look at the cost of the in-car cameras to the County. Have we projected the future costs? What is this really going to cost? Sheriff Allard replied he can tell you what it will cost if you don't. Mr. Swackhamer stated that wasn't my question. What will this cost us? Sheriff Allard replied the salaries will be \$60,000 - \$70,000 each. If we have to find vehicles that will be \$40,000

each, this includes the equipment. Mr. Swackhamer stated there will be overtime and extra staff. He is not against this, but we need to be a little more realistic.

Mr. Wheeler stated if you approved all four positions and two vehicles, the initial cost would be \$320,000. If you fund two of the positions the initial cost is \$150,000. It is an investment.

Mr. Maio stated at last week's presentation you talked about in years past there were more people involved. What happened to them? Sheriff Allard replied budget cuts happened. The Village of Bath PD went from two investigators down to one. The Corning City PD went from two investigators down to one. The State Police CNET was located in Corning and was staffed with 5 – 9 people and that is now gone. The State Police are more focused in Chemung, Tioga, Schuyler, Tompkins and Broome counties. We used to do joint investigations where they would help. Now they have to have one Senior Investigator on scene, which is difficult and doesn't always happen. We have met with the State Police and they will not come back to our area.

Mr. Maio asked where are the vacant positions? Mr. Alderman replied the vacant positions are a Staff Social Worker, a Senior Alcohol and Substance Abuse Counselor, an Assistant Public Health Nurse Director and an Assistant Youth Program Director.

Mr. Maio asked is the jail treatment component included in this? Mr. Wheeler replied no. Dr. Chapman is working on get more resources. That request will be coming in the near future. These reclassifications were the most pressing thing to get done right away. Dr. Chapman is putting an additional part-time person at the Jail.

Mr. Maio asked is the Public Defender and the judges involved in this? Mr. Baker replied the primary conversations have been with regard to drug court. Mr. Maio commented that he was impressed that the presentation was a two-pronged approach.

Mr. Wheeler commented we are already stepping efforts up and tomorrow there is a Recovery Awareness Program that will be held in the foyer of the third floor. Mr. Hauryski asked, by a show of hands, how many Legislators in attendance have attended any of the drug forums that were held in Bath, Corning and Hornell? Mr. Hauryski, Mrs. Lando and Mr. Van Etten raised their hands.

Mr. Maio stated this is all a very good idea, however, we got this plan one week ago. We are also missing a committee member. This is a big chunk of money and a lot of information to digest in that short period of time. Sheriff Allard stated that he forgets that the Legislature has only had the information for one week, but this is something we have been working on for the past two years. He stated that he and Dr. Chapman met with our State representatives over one and a half years ago to request additional funding. The enforcement piece becomes even more apparent when he watches the news. Drugs are coming into our County unchecked.

Mr. Baker commented the longer we debate, the more people that die. Two people have died since Monday. Mr. Mullen stated he does not think that anyone is advocating that anyone die. We are trying to talk about what the right balance is on what we should be doing.

Mr. Van Etten asked does the salary estimate include fringe? Sheriff Allard replied yes. Mr. Van Etten asked what was the reason that your application for the COPS grant was previously declined? Sheriff Allard replied we were lacking ten points. One of the issues was that we did not have a civilian involved in the hiring process. That has now been resolved. Mr. Van Etten asked if we funded two positions and we apply for the COPS grant, do we have a possibility that we would actually get the funding? Mr. Wheeler replied recent events show the need. You are waiting six months at best on a 50/50 shot.

Mr. Swackhamer asked can we hire four and only train two at this time? Sheriff Allard replied no, you have to hire them before you train them. Mr. Malter asked could you train existing staff? Sheriff Allard replied we don't have the bodies to take and train as we are already very thin.

Mr. Mullen asked for an explanation of the organizational breakdown of staff. Sheriff Allard replied we have 20 Deputy Sheriff's. Of those, two are reimbursed through BOCES and one is reimbursed through the Office of Court Administration. We have 17 on the street. With those 17 we run three shifts of 24/7 coverage. Each shift has one Sergeant. Those officers are each covering 500 miles per day, every day. Additionally, they are also serving 10 – 20 civil papers, conducting pistol permit investigations, serve as members of the tactical team and provide classes for civilians. Over the last two years the average deputy went on 445 calls per year, compared to neighboring counties who went on 285 – 326 calls per year, and the State Police who went on 322 calls per year. It is not feasible for him to take two people out of that mix. Mr. Wheeler commented that also does not include vacation, sickness, etc.

Mr. Mullen asked when you talk about lateral movement, you are pulling existing officers from other agencies? Sheriff Allard replied yes. Mr. Swackhamer asked what equipment will they need to be trained? Sheriff Allard replied for an investigator, that person would already have the equipment they would need other than clothes and we believe that we have vehicles available in forfeiture. For new Road Deputies, we would need two LPR's (License Plate Readers). We also have two spare cars that we can use until the end of the year.

Mrs. Lando commented we all know this problem has been going on for a long time. This is not new and these guys have been working on this. How do you put a price on people dying? This is people's lives that we are talking about. This is not a new issue and you have known about it.

Mr. Maio replied yes, we have known about the issue for a long time and he apologizes for the misconception in his statement; however, we only heard about this plan one week ago. We have only had one week to look at this plan. He stated he understands this is a big problem. Mr. Mullen asked why didn't we get this plan sooner? Let's stop blaming when we are all sitting around trying to figure out how to handle this.

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE STAFF SOCIAL WORKER, ONE SENIOR ALCOHOL AND SUBSTANCE COUNSELOR, ONE ASSISTANT PUBLIC HEALTH DIRECTOR AND ONE ASSISTANT YOUTH BUREAU DIRECTOR TO FOUR DEPUTY SHERIFF POSITIONS MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER FOR DISCUSSION.

Ms. Fitzpatrick commented that she has clients who have indicated to her that the State Police do have an interdiction officer in Painted Post. Is there any coordination between them and us? Sheriff Allard replied it should be a benefit; if we are successful with our interdiction enforcement then the State Police will start mirroring that.

Ms. Fitzpatrick stated Livingston County is already doing this and has an officer dedicated to interdiction. She asked if the Sheriff had any numbers on the increase of arrests and other benefits since they started doing this? Sheriff Allard replied he does not have solid numbers, but he does have anecdotal information.

Ms. Fitzpatrick stated it is her understanding that even with an interdiction officer on the highway, if the car you are looking for comes down the road and they are not doing anything wrong, you cannot pull them over, right? Sheriff Allard replied that is correct. Ms. Fitzpatrick stated that additional police presence is excellent, but that will not completely solve the problem. To get more deputies on the highway is an excellent approach, but if the selling point is to curb opioids, that is not the solution. Sheriff Allard replied it is one prong of a three-pronged approach.

Ms. Fitzpatrick stated in her own personal opinion, she is in favor of extra police presence and is in favor of combating the problem. She stated she has an office in the Village of Bath and last summer we had an issue and we saw new drug activity, new car activity, etc. We called it in and nothing happened. Why can't we combat that? Mr. Baker replied if we had more investigators we would be able to do that. Ms. Fitzpatrick asked how will having four more deputies give you the right to go into a house to conduct a search?

Chief Mullen replied when you are down manpower, you cannot sit on a house and watch it for probable cause. He stated he has eight officers that handle 10,000 calls per year. Once the investigator came on, we were able to do more of that. Mr. Baker stated there is a difference between increased police presence and increased interdiction. Ms. Fitzpatrick commented adding four deputies is really the tip of the iceberg and is just a band-aid. You presented a plan and are asking us to jump into it after only hearing about it one week ago.

Mr. Mullen asked you have indicated that these four positions will be devoted to investigating. Are these titles different from the current deputies? Sheriff Allard replied no. Mr. Mullen asked how will they be different? Sheriff Allard replied they will be focused assignments; they will be Sheriff's Deputies for drug investigation purposes.

Mr. Maio asked when can I expect something on the agenda to approve the treatment component? Mr. Wheeler replied Dr. Chapman addressed that last month. He would expect to see something probably within the next month or two. Mr. Mullen stated he would like to have Dr. Chapman come in next month to talk about that component.

Mr. Wheeler stated if you approve the reclassification of the four positions, he has the authority to fund them, but the committee needs to provide him with an indication of how they would like to proceed.

Mr. Mullen asked if two positions are funded now, how would you proceed? Sheriff Allard replied if only two positions are funded, we will get them in and trained in investigation and interdiction. It will be half as effective as we will only have half the manpower. Mr. Mullen asked will you begin training anyone else? Sheriff Allard replied we already have sent two Deputies to CNET and they fill in where they can.

Mr. Mullen asked how does your request to reclassify a Deputy Sheriff position to a Corporal tie into this? Sheriff Allard replied we have three Sergeants, each supervising a shift. This Corporal position would be that shift supervisor and would result in a savings of \$3,000 per year. Mr. Wheeler stated the net increase is approximately \$3,500 for that position.

Ms. Fitzpatrick asked do we have another dog for the new positions? Sheriff Allard replied no. Ms. Fitzpatrick asked so that would be a potential additional expense? Sheriff Allard replied no, that would come through outside funding. Ms. Fitzpatrick asked if we are reclassifying two positions already, how many can we keep doing without having a significant impact on the budget? Mr. Mullen replied it will be okay as long as we have enough vacant positions. Mr. Wheeler replied for next year, we can make it work. Mr. Malter stated if we do that, it will cut down on the reserve that is sitting out there.

Ms. Fitzpatrick stated if we fund two positions now, we will leverage COPS funding for the other two? Sheriff Allard replied the COPS grant is based on a formula that they use to score the applications. Mr. Wheeler replied you have a 50/50 shot of being approved, but is it something that is an option. Mr. Van Etten asked if we funded all four and received approval for the grant, would that pay for two of the positions? Mr. Wheeler replied no, as the grant specifies it would have to be for two new positions. Mr. Van Etten stated it makes sense to fund two and put in an application for grant funds for the other two.

Ms. Fitzpatrick asked is there a reason you will not tell us how many vacancies there are? Mr. Wheeler replied the vacancies are all in the budget documentation. We have 45 positions, of which about half are Social Services. A number of the positions are eligible for reimbursement.

Mr. Sauro commented if you are increasing arrests, you are increasing defense; so don't forget about the future costs for that.

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

Secretary's Note: While the Committee approved the transfer and reclassification of four positions to the Sheriff's Office, the consensus of the Committee was to direct the County Manager to only fund two of those positions at this time.

b. *Reclassification of Deputy Sheriff Position to Corporal* – Sheriff Allard requested authorization to reclassify a Deputy Sheriff position to a Corporal position. He explained we have a Supervisor on every shift. This is an upgrade of an existing position and the net cost is \$3,500.

MOTION: AUTHORIZING THE RECLASSIFICATION OF A DEPUTY SHERIFF POSITION TO A CORPORAL POSITION WITH THE SHERIFF'S OFFICE MADE BY MR. MAIO. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Mr. Malter asked going back to the earlier conversation about your request for additional funding to provide treatment at the Jail, was that successful? Sheriff Allard replied no. He will be going to Albany tomorrow with the New York State Sheriff's Association to request additional funding for jails and SRO's (School Resource Officers)

Mr. Mullen thanked the Sheriff, the District Attorney and others for putting in the time to put the opioid plan together. Mr. Baker stated if anyone has any questions about the proposed plan, please talk to us.

B. Personnel

1. **Reclassification – Probation** – Mr. Alderman requested authorization to transfer and reclassify a zero based Registered Professional Nurse position, Grade XII from Public Health to Probation Assistant position, Grade IX. Mrs. Crocker explained there are two reasons for this. First, the department is taking over the monitoring of conditional discharges that have ignition interlock devices. Second, with the Raise the Age legislation, we can use this position to help with additional intakes coming in along with other requirements that the State will have for Probation.

Mr. Wheeler commented the State has indicated that we can start documenting the cost for Raise the Age if we stay within the tax cap rate; we will be reimbursed 75 percent of the cost of this position. Mrs. Crocker stated we will also receive a certain amount of money that the State is allocating to Probation for the ignition interlock. Mr. Wheeler stated that he expects the position in the end to be a net zero county cost.

MOTION: AUTHORIZING THE TRANSFER AND RECLASSIFICATION OF ONE ZERO BASED REGISTERED PROFESSIONAL NURSE POSITION, GRADE XII FROM PUBLIC HEALTH TO A PROBATION ASSISTANT POSITION, GRADE IX MADE BY MS. FITZPATRICK. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. HAURYSKI. SECONDED BY MR. POTTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Monday, April 2, 2018
9:00 a.m.**

**PLEASE PROVIDE AGENDA ITEMS
NO LATER THAN NOON
Monday, March 26, 2018**