

Public Safety Committee
Regular Meeting Notes – FINAL
Thursday, January 18, 2018 3:00 PM
Legislature Chambers

Attendance

Attendee Name	Title	Status
Anne Koreman	Member	Absent
Rich John	Chair	Present
Anna Kelles	Vice Chair	Present
Martha Robertson	Member	Present
David McKenna	Member	Present
Catherine Covert	Clerk of the Legislature	Present
Frank Kruppa	Public Health Director	Present
Brian Robison	Undersheriff	Present
Kenneth Lansing	Sheriff	Present
Matthew Van Houten	District Attorney	Present
Marcia Lynch	Public Info. Officer, County Administration	Present
Kevin McGuire	Executive Assistant to the County Administrator	Present
Lance Salisbury	Supervising Attorney, Assigned Counsel	Present
Dan Cornell	Probation and Community Justice	Present
Henry Granison	Legislator	Present
Shawna Black	Legislator	Present

Guests: Bill Rusen, CARS (Community Addiction Recovery Services); Shari Korthuis, Ithaca resident;
Peter Salton, Village of Cayuga Heights resident; Josephine Cardamone, Ithaca resident;
Amanda, County resident

Call to Order

Mr. John, Chair, called the meeting to order at 3:00 p.m.

Changes to Agenda

The Committee agreed to add to the agenda the following items:

Resolutions

- Authorization to Transfer Mental Health Forensic Counselor Position from the Mental Health Department to the Tompkins County Sheriff's Office

- Authorization to Transfer Funds from the Mental Health Department Budget to the Tompkins County Sheriff's Office Budget to Fund a New Position of Jail Psychiatric Physician

- Budget Adjustment - Interdepartment Revenues - Department of Probation and Community Justice

Appointment

Appointment to Advisory Board on Indigent Representation

Sheriff's Office

Jail Stats

Privilege of the Floor

Shari Korthuis, Ithaca resident, spoke briefly about the Jail Study and the Criminal Justice Coordinator position. She also commented on the Criminal Justice Advisory/Alternatives to Incarceration Board meetings and requested that the schedule for those meeting be more publicized. She spoke in opposition to having a detox center at the Jail as she does not believe there is appropriate staffing for that. She believes a crisis center is needed in the County.

Peter Salton, Village of Cayuga Heights resident, said he is an attorney and has been practicing for 20 years. He commented on a recent case he was involved with and how the individual was treated at the Jail when he was due to check-in for a parole violation. The individual was 15 minutes late and was told he could not be processed and was considered a no show. Mr. Salton explained in detail the history of the individual and the situation that took place and lack of flexibility in the system. He expressed his concern with the attitudes of the staff at the Jail. He also spoke of the Jail Study and does not believe it focused enough on the facility's conditions.

Josephine Cardamone, Ithaca resident, said that although there were many compliments made to the Sheriff about the Jail, the Jail variance was denied at a January 17th meeting and the County was told that the overcrowding of inmates needed to be corrected. She suggested looking at how more people can be released from Jail to prevent the overcrowding.

Amanda Kirchgessner, County resident, commented on how she believes people don't feel safe and spoke of the recent situation with ICE (Immigration and Customs Enforcement) coming in and removing people from the community. She believes the County should be doing more to protect people. She spoke briefly about the overcrowding at the Jail and said most people at the Jail have not gone to trial or cannot afford bail. She believes we could learn from the Cayuga people.

Comments from County Staff

Mr. McGuire spoke about a data system that tracks Jail data called the Black Creek System. Corrections staff enter the information when people are booked or released from Jail. Mr. McGuire said various queries can be done with this system and County Administration has used it for its own analyses. CGR also used it during the Jail Study. He believes that through the vendor it is possible the system can be improved such as additional field's being added and that it is something the new Criminal Justice Coordinator could use.

Mr. Lansing agreed with Mr. McGuire and believes the vendor will work with the County to make changes to the system if possible.

Ms. Kelles asked about the services provided by Black Creek and if they provide any consulting assistance to help identify some of the information the County is seeking. Mr. Lansing understands they offer a lot of technical support, and said he will be meeting with one of the representatives this coming week and will discuss this with them and what the County hopes to obtain. Ms. Kelles believes that if this firm does not provide consulting services the County should look into another firm for that purpose.

Minutes Approval

December 21, 2017

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Anna Kelles, Vice Chair
SECONDER:	Martha Robertson, Member
AYES:	John, Kelles, Robertson, McKenna
ABSENT:	Koreman

December 21, 2017 – Jail Study Committee

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Anna Kelles, Vice Chair
SECONDER:	Martha Robertson, Member
AYES:	John, Kelles, Robertson, McKenna
ABSENT:	Koreman

Chair's Report

Mr. John distributed and provided a brief overview the following statement highlighting some of the potential projects for the Committee in 2018:

Public Safety Committee Potential Project List - 2018

“The Emergency Communication Review and Oversight Committee (ECROC) has redefined its mission. The Committee was originally set up to examine the emergency communications systems in the County. The structure of the communication system has been built out, so the Committee has largely fulfilled its original purpose. However, it appears clear that having an advisory group of experienced professionals to evaluate issues of coordination between departments and agencies is necessary to good government. The Committee has rewritten its bylaws to redefine its mission and is in the process of launching itself as the Emergency Review and Oversight Committee (EROC). Helping to identify the appropriate goals and oversight responsibilities of this group is an important step to making sure the group remains relevant and contributes to guiding overall public safety.

“Offender Aid and Restoration (OAR) has, in 2017, purchased and put into operation a house for men newly released from the Jail, Endeavor House. OAR is proceeding with the intent to purchase and renovate a second house, to accommodate women released from the Jail. If a second site is identified, it is likely that OAR will seek a similar short-term financing arrangement with Tompkins County as it did with Endeavor House. There are several Public Safety oversight components to making sure the initiative is successful and to evaluate whether the concept can be expanded.

“In 2016, the Public Safety Committee identified a program entitled Law Enforcement Assisted Diversion (“LEAD”) as a model that could help in providing those with drug, alcohol, and mental health issues an alternative path outside of the traditional criminal justice system. Implementing LEAD requires the creation of a system for police officers to refer people into, instead of arrest. At present, that alternative system does not exist, although many of the components (OAR, Reentry program, Community Service officer, and various Probation programs) are in place. The City has declared the intent to initiate a LEAD program in its Police Department. Setting up LEAD will require coordination and cooperation between the City Police and social service providers throughout the County. A City-County group, with community representation, needs to meet to consider how this can be accomplished, and to execute a

Memorandum of Understanding. The PSC should play a role in the County side of that discussion.

“The County, City of Ithaca, and some Village police agencies received a CGR study in 2017 that considered the ideas of both consolidation and shared services. The Public Safety Committee has reviewed the results and recommendations of the CGR study and determined that a primary focus should be on whether co-location of the Ithaca City Police Department and the Road Patrol of the Sheriff’s department makes sense and is financially feasible.

“The temporary Jail Study Committee oversaw a 2017 CGR study that includes an analysis of the current ATI programs. A key gap in the local services is a detox facility that could serve as an alternative to bringing someone to the Jail for supervision/monitoring of what is essentially their medical condition. The Tompkins County Drug and Alcohol Counsel is working to establish a detox facility in the community. Along with the Health and Human Services Committee, the Public Safety Committee will have a role in integrating a detox facility into the established systems. The Public Safety Committee will also have an advocacy role in ensuring that New York State approves actual development of the detox facility as fast as possible.

“Another key gap in local services is the availability of adequate substance abuse treatment beds. Currently, the Jail is used to house people who are, effectively, waiting in line for treatment. Having more beds available would reduce the amount of time prisoners are in the Jail. The Cayuga Addiction Recovery Services is working to expand its Trumansburg treatment facility by 25 beds for women. Along with the Health and Human Services Committee, the Public Safety Committee will have a role in integrating use of this expanded facility into the established systems. The Public Safety Committee will also have an advocacy role in ensuring that New York State approves actual development of these 25 treatment beds as fast as possible.

“The TCCOG (Tompkins County Council of Governments) Court Consolidation Study Committee has issued its report with recommendations for actions to increase the efficiency and quality of the court systems in Tompkins County. Among the recommendations are developing a central arraignment system and petitioning New York State for a Third County Court Judge to manage DWI (Driving While Intoxicated) cases. The Public Safety Committee SC has an advocacy role in regard to the Third County Court Judge.

“Tompkins County committed 2018 funding for enhanced ATI (Alternative-to-Incarceration) programs, including an expanded Re-entry program to assist people when they are leaving the Jail with access to housing, drug and alcohol treatment, mental health care, training, and education services. The Public Safety Committee is responsible for evaluating the effectiveness of these programs. As there are many new initiatives, it is likely that there will be some successes and failures. Within its responsibilities, the Public Safety Committee will need to perform some mid-year assessment, recommend course corrections if necessary, and determine whether it should continue in 2019 and, if so, in what form and at what budget amount.

“In the 2018 budget there is included a new position of Criminal Justice Coordinator (CJC). The hiring process is underway. The CJC is tasked with tracking and reporting on the various ATI programs that are in use in the County. The CJC will be a primary reported to the PSC on the effectiveness of the ATIs in reducing Jail population. In order to be successful, the many ATI programs need to be operating in concert to avoid both gaps and redundant services. An overriding metric is the Jail population and the use of board outs, but other measurements have yet to be determined. The Public Safety Committee needs to provide direction to the CJC on the reporting it wishes to receive and overall direction for the ATI efforts.

“Many jails have created programs to provide Vivitrol injections to inmates at the time of their release. Vivitrol provides an approximate 28-day period in which the cravings for opioids are suppressed. The cost of the shots is expensive (@ \$700 - \$1,000) but preventing relapse and return to jail can be seen as a cost savings. The Tompkins County Jail has introduced the use of Vivitrol. The Public Safety Committee needs to review how this program is working, and ensure that appropriate policies are in place for selection of candidates and administration of the medication.

“Raise the Age is coming in the fall of 2018. The changes in the treatment of juveniles will have direct impacts on our Jail and Probation Department, among others. The Public Safety Committee will need to determine how these changes will affect programming, particularly in regard to the 2019 budget.

“The work of the Jail Study Committee went beyond the direct issue of determining how to respond to New York State removing the 18-bed variance. It became obvious that it is time to consider a capital program at the jail to upgrade the medical and kitchen facilities, as well as expand the meeting spaces for assessment, programming, and education. The consultant to the County will be providing space planning information in early 2018. The PSC will need to work with the consultant, Sheriff, other County Departments, and the involved agencies that provide services in the Jail to determine a course of action.”

In response to Ms. Robertson’s question about the Commission requiring a new evaluation and bed count if the County were to add a wing on to the Jail, Mr. Lansing said he would look into that question.

Mr. John also confirmed the 2018 Committee meeting schedule of the first Wednesday from 3:00 p.m. to 5:00 p.m.

Report from the District Attorney

Mr. Van Houten provided a brief update on the County’s request for a third County Judge and said he met as part of a group with the Administrative Judge of the Sixth District. He believes the most compelling argument is that per capita the County is significantly underrepresented per the number of people for each Judge. He said the County is so far backed-up in the trial calendar, and having a third Court Judge would have an impact in giving speedy trials for defendants. He does not believe the County should pursue the argument for a third Judge to handle DWI cases.

Sheriff's Office

Sheriff's Department Report - December 2017 (ID #7570)

RESULT:	COMPLETED
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December 2017 Jail Statistics (ID #7580)

RESULT:	COMPLETED
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Resolution No. - Authorization to Transfer Mental Health Forensic Counselor Position from the Mental Health Department to the Tompkins County Sheriff's Office (ID #7565)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Anna Kelles, Vice Chair
SECONDER:	David McKenna, Member
AYES:	John, Kelles, Robertson, McKenna
ABSENT:	Koreman

WHEREAS, the Mental Health Department has previously covered funding and FTE maintenance for the Forensic Counselor position in the jail, and

WHEREAS, in order to more effectively manage fiscal responsibility and employee roster accuracy, Mental Health would like to transfer the Forensic Counselor position to the Tompkins County Sheriff's Office budget, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Personnel Committees, That one full-time position in the title of Forensic Counselor, White Collar Labor Grade 16, Job Code 1675, 37.5 hours per week, be and hereby is transferred to the Tompkins County Sheriff's Office budget and personnel roster,

RESOLVED, further, That the Director of Finance be and hereby is authorized to make the following budget adjustment for the fiscal year 2018 and for all budget cycles going forward:

FROM:	4311.51000675	Forensic Counselor	\$100,533.00
TO:	3150.51000675	Forensic Counselor	\$ 67,314.00
	3150.58800	Fringes	\$ 33,219.00

SEQR ACTION: TYPE II-20

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Resolution No. - Authorization to Transfer Funds from the Mental Health Department Budget to the Tompkins County Sheriff's Office Budget to Fund a New Position of Jail Psychiatric Physician (ID #7563)

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	David McKenna, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Kelles, Robertson, McKenna
ABSENT:	Koreman

WHEREAS, the Sheriff's Office has identified the need for a position in the title of Psychiatrist, and

WHEREAS, the point-factor rating system utilized by Tompkins County to assign salaries to management level positions is unable to adequately address the unique salary requirements of a Psychiatrist operating in the public sector, and

WHEREAS, the pay rate designated for the position, as currently graded, is not sufficient to result in a viable pool of highly qualified talent from which to choose, and

WHEREAS, the Psychiatrist should be recognized and appropriately compensated for the professional services provided, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Personnel

Committees, That one part-time four hour per week (.10 FTE) position in the title of Psychiatrist is hereby created at Management Grade 90, Job Code 4260,

RESOLVED, further, That this position is "red-lined" and the Legislature is hereby authorizing the Sheriff to pay a Psychiatrist at the rate of \$95.00 per hour (equivalent to \$197,600 annual) on a part-time basis not to exceed four hours per week and the budgeted amount authorized below,

RESOLVED, further, That the position and salary listed above has not been factored into the Sheriff's Office budget for 2018 and that additional funding will be required in order to hire and compensate a Psychiatrist at this level,

RESOLVED, further, That the Mental Health Department has approved the transfer of funding of this position from their 2018 budget,

RESOLVED, further, That the Director of Finance be and hereby is authorized to make the following budget adjustment for the fiscal year 2018 and for all budget cycles going forward:

FROM:	4311.51000260	Psychiatrist	\$25,823.00
TO:	3150.51000260	Psychiatrist	\$ 17,290.00
	3150.58800	Fringes	\$ 8,533.00

SEQR ACTION: TYPE II-20

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Sheriff's Report

Mr. Lansing spoke to the issue raised under Public Comment about an individual being refused to be checked-in at the Jail because he was late. Mr. Lansing discussed the schedules at the Jail and said there are policies and procedures in place that have to be followed and people held to those time limits.

Mr. Lansing also explained the meeting he had with the Commission of Corrections regarding the Jail variances and the reason for the decline. He read the following statement from the Commission:

“The Commission has reviewed the County’s application for the variance with respect to the compliance of the provisions of the article and has determined on January 17, 2018, Commission meeting, that the variances will be denied. The reasons for such denial are twofold. First the many of the previous authorized variance beds were often left unused as the facility administration was unable to identify inmates efficiently capable to be housed together in a cell designated for the one occupant. Second, as a recent Jail population has been in the mid 60’s thus alleviating the need for use of variance beds. While the Commission can appreciate the request to reinstate the variance beds as assurance while the County continues the program efforts to reduce the Jail population approval of such cannot be justified.” The statement also included the remaining ten beds must be removed by Friday.

Probation and Community Justice Department

Resolution No. - Budget Adjustment - Interdepartment Revenues - Department of Probation and Community Justice (ID #7572)

RESULT: RECOMMENDED [UNANIMOUS]
MOVER: David McKenna, Member
SECONDER: Martha Robertson, Member
AYES: John, Kelles, Robertson, McKenna
ABSENT: Koreman

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Director of Finance be directed to make the following budget adjustments on his books for 2017:

Revenue Acct	Title	Amt	Approp Acct	Title
3140.42771	Interdepartment Revenue	\$ -1,576	3141.58800	Fringes
3142.42771	Interdepartment Revenue	\$-10,565	3142.58800	Fringes

SEQR ACTION: TYPE II-20

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Appointments

Advisory Board Appointments (ID #7571)

Advisory Board on Indigent Representation

Heidi S. Paulino, Esq. - term expires December 31, 2020

RESULT: RECOMMENDED [UNANIMOUS]
MOVER: Anna Kelles, Vice Chair
SECONDER: Martha Robertson, Member
AYES: John, Kelles, Robertson, McKenna
ABSENT: Koreman

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Cayuga Addiction Recovery Services (CARS)

Mr. Rusen spoke about money being available for regional opioid treatment programs. He said this program began as a federal grant program and New York State made a decision about who the providers would be. The providers chosen were agencies located outside Tompkins County. It is now at the stage of how to find a useful way to work together with the providers. However, he spoke of the difficulties and the number of barriers. He hopes this keeps moving in the right direction, but he has many questions about the long-term goals of the program and what happens when the grant money is no longer available.

Mr. Rusen explained how the grant funding was distributed and said the following agencies received the funding: CASA/Trinity of Genesee County and Chemung County and ACBC (Addiction

Center of Broome County).

Mr. Kruppa explained there is \$2 million available within the agencies mentioned above for these programs to be spent on services in both Tompkins and Tioga Counties. He said the challenges are trying to implement these programs locally and making them work. People are being hired through those agencies and are coming to the community and outlining their plan and goals. Mobile units have been purchased and the goal is to go out into the community in places where substance overdoses are happening and to provide access to services where they are not being accessed. The purpose of this is outreach and treatment. He hopes that as this continues to move forward a program will be in place and will meet goals the County can support. It has been a very difficult process but he believes the County needs to take advantage of the opportunity.

Mr. Rusen provided an update on the services his agency provides and said \$447,000 of care in their risk management program has not been yet paid and does not believe they will be. It is attributable to the fee for service, i.e., Medicaid and he said it does not pay for what CARS does at its residence. He said discussions are taking place with OASIS on this issue. In order to balance their budget because of this deficit, positions are not being filled.

Mr. Rusen commented on the 25-bed addition and said OASIS has helped choose an architectural firm and the first design meeting is scheduled for February 7th.

Assigned Counsel - Update

Mr. Salisbury reported that the Department's 2017 budget came within budget and no additional appropriations are needed.

He also provided an update on the actions being taken at local courts. With regard to pre-trial release of non-convicted individuals, the number of those being released has increased significantly. The after-hours arraignment process has impacted those numbers as well.

The District Court Committee and the people involved with legislative processes and policy changes have all signed off on the idea of wanting individuals charged with non-violent misdemeanors released without bail. He understands that has had an impact on town justices and they have been responsive.

Mr. Salisbury spoke of the Governor's State of the State proposal to move New York in the direction of other States to eliminate bail for most non-violent misdemeanor and felony charges. This could have a further impact on the reduction of the Jail population if that passes.

Mr. Van Houten commented that he will be attending the District Attorney's Association Conference next week and said there is one District Attorney pushing back on that proposal. He believes there will be good debate on the subject.

Mr. Salisbury spoke of other proposals presented by the Governor that could potentially impact the County. Discovery issues have always been an issue in the State and the Governor is proposing changes that would make it more similar to the federal model. The impact would be on the Department's budget as it would reduce the cost in billing attorneys for that purpose.

The Governor is also talking about changes in parole rules. Since December 25th, there were 13 technical parole violations in Tompkins County. As a parole officer only comes once a month, those

people are sitting in Jail adding to the Jail population.

Mr. Salisbury reported on the services provided through his office by municipal contract to Schuyler County and said one more year remains with that contract. However, there is a proposal to extend that service agreement for another two years and the contract is being reviewed now by the County Attorney from each of the two Counties. The idea is to rewrite the contract so that it is a three-year municipal contract and would correspond with the end of the Hurrell-Harring settlement. He spoke of the benefits to Tompkins County with this arrangement and said it will help support and provide the County with additional money. Schuyler County is also interested in receiving some grant support from his Department and he will keep the Committee informed as this moves forward.

He further commented that other counties have inquired and want to do something similar to Schuyler County and have also expressed interest in receiving grant support. There is money in the Governor's budget to assist with the expansions and concepts of the Hurrell-Harring settlement beyond the five counties identified in that settlement. Tompkins County is looking at how it can try to access some of that money now. He said Tompkins County's Assigned Counsel program is looked at as a model in upstate New York.

Ms. Robertson suggested some of these issues raised by Mr. Salisbury could be discussed at the upcoming New York State Association of Counties conference. Mr. Salisbury agreed to provide some bulleted points to share.

Probation and Community Justice - Update

Mr. Cornell provided an update and reported in December the Department served 15 adults and 2 juveniles with electronic monitoring. Ten of the 15 adults would have been incarcerated if the electronic monitoring program had not been available. He believes this is the highest number of people who have served in the electronic monitoring program.

Adjournment

The meeting adjourned at 4:52 p.m.