

PUBLIC SAFETY COMMITTEE
August 4, 2015

Present: Bill Holgate, Sarah Purdy, Gary Montgomery, Margaret Dunn, Jim Multer, Dan Banach, Leslie Church, Lee Sackett, Mark Morris, Bob Clark, Jim Smith, Connie Hayes, Ron Spike, Brian Winslow, Sharon Dawes, Valerie Gardner, Jack Gleason, Elden Morrison, Tim Dennis, Doug Paddock.

Bill and Elden will do the audit this month.

Public Comment:

Adam Tally, president Council 82 and 20+ year employee addressed the committee. Mr. Tally addressed the Committee regarding the moral in the jail explaining that there is not enough man power to cover the mandated shifts. Correction officers cannot get necessary time off because of the lack of man power to cover the shifts. Many are having to work overtime because of the lack of man power to cover to vacations, sick leave and so on.

Minutes of the July meeting were approved as presented.

Probation – Sharon Dawes

Sharon reviewed the following statistical report.

<u>YATES CO. PROBATION</u>	<u>14-Jul</u>	<u>14-Aug</u>	<u>14-Sep</u>	<u>14-Oct</u>	<u>14-Nov</u>	<u>14-Dec</u>	<u>15-Jan</u>	<u>15-Feb</u>	<u>15-Mar</u>	<u>15-Apr</u>	<u>15-May</u>	<u>15-Jun</u>	<u>15-Jul</u>
Probationers	280	276	288	275	271	264	255	250	250	247	240	236	241
Investigations monthly	20	7	20	22	25	15	14	15	23	22	19	20	23
investigations year to date	129	136	156	178	203	218	14	29	52	74	93	113	136
Violation of Probation	8	0	9	1	4	5	6	8	8	5	3	13	4
VOP year to date	30	30	39	40	44	49	6	14	22	27	30	43	47
Pre-Trial Release	2	3	2	2	2	2	2	3	2	2	2	2	1
Leandra's Law													
Conditional Discharge	37/17	39/18	45/24	46/23	50/26	46/26	43/24	43/27	37/27	41/24	44/24	44/25	42/23
Probation	16/0	15/0	15/0	16/0	16/0	17/0	16/1	15/1	13/1	16/1	19/1	18/1	19/1
waiver cases	5/1	5/1	9/3	9/3	9/3	8/3	7/3	6/3	7/5	9/7	9/8	9/8	10/8
payment plan cases	5/1	5/2	6/3	7/2	7/2	7/3	5/2	7/3	7/3	7/3	7/2	6/2	6/2

Sharon reviewed the Quarterly ATI report which showed.

Pre-trial Release Program

Total number of screening interviews conducted: 20
Number of inmates who did not meet eligibility criteria: 18
Number of inmates who met eligibility criteria: 2

<u>Court</u>	<u>Outcome</u>
Village of Penn Yan	1 released to pre-trial
Yates County	1 held for drug court

Summer: 2 individuals were supervised by the Pre-trial Release program at the end of the quarter.

Electronic Monitoring

One person was on electronic home monitoring during this quarter.

Community Service

9 people successfully completed their community service obligation this quarter. At the end of June 2015 there were 43 active cases doing community service in 24 worksites within the county.

District Attorney – Valerie Gardner

Valerie reported with regards to the violation to probation column in her statics last month it was significantly higher than what Sharon had. That is because Valerie includes the violations of peoples conditional discharges that go back in front of the court, so it is not just violation of probations in that column. Valerie will correct the heading for the future reports.

Valerie reported she and Megan attended a Crimes Against Revenue Program (CARP) seminar. After attending this program, it does not appear appropriate for Yates County, since our size and population are highly unlikely to generate the “return on investment” requirements.

Valerie reported the Governor and Attorney General started talking a few months ago about the political pressure they were feeling from unarmed civilian deaths inflicted by law enforcement. What has come out of the Governor and Attorney General’s offices is that, there is a crisis of public confidence in the criminal justice systems because local DA’s work to closely with law enforcement for them to be trusted. Governor Como issued an Executive order with blanket statements that in the event that an unarmed civilian’s death is caused by law enforcement the attorney general is automatically appointed to prosecute that case and goes further to say that the local DA is essentially forbidden from questioning witnesses and assisting police. Valerie, in conjunction with other DA’s across the state, are working on this to deal with some of the practical problems that have resulted from the executive order. Initially one of the problems is the lack of an Attorney General’s office near Yates County. So who is going to respond to the scene and who is going to be available to help direct the investigation. The Attorney General issued a letter to all the local DA’s stating that they were delegating the initial response to the local DA’s.

Valerie reviewed the following resolution that would be needed. The Committee approved.

- Resolution to authorize the District Attorney and Legislative Chair to execute the application for the Aid to Prosecution Grant

Emergency Management – Brian Winslow

Brian reported he met with Crag Prior, Dave Miles (FEMA), and Diane to close out the Italy Turn pike repair project.

Brian participated in a webinar with the National Weather for our renewal for Storm Ready Capabilities.

Brian reviewed emergency responses he attended along with weather related emergencies.

Brian reported Chris is busy setting up a Manure Pit Emergency Class dealing with all the issues that we have had with gases and manure pits.

Brian reported Farm Days is in Seneca County. Penn State is bringing different equipment to emergency services and showing new technics and rescues. Chris has also been working on this.

Brian reviewed the following resolutions that would be needed. The Committee approved.

- Accept And Appropriate 2015 (SHSP) Grant
- Accept FY2015 Emergency Management Performance Grant (EMPG) (OEM)

Brian reported on obtaining a Code Enforcement Officer for the County. Brian reached out to Schuyler County who will share their officer which would cost \$3,000. The consensus of the Committee was to move forward with an agreement with Schuyler.

Sheriff – Ron Spike

Ron reviewed a position review form for a part-time typist. The consensus of the Committee was to refill the position.

Ron reported the Jail Population. Yates County: 51 in jail, Federals: 6 for a Total of 57. The jail has 1 female bed available. There are 41 males and 16 females. The number of local females is an all-time record for the facility. There is 1 female in the CNY Psych Center, 1 male in Delaware Co., 1 male in Ontario Co., 1 male in Genesee Co. and 1 male in the Brooklyn/kings Co jail. The jail is close to capacity.

Ron reviewed his memo on corrections manpower stressors and jail staffing costs and considerations. The memo was requested by Committee Chairman Holgate. Ron stated he has a hard time hiring and maintaining part-time staff to cover the jail. Ron explained that many times the applicants do not pass the back ground investigations. The training demands of 160 hours also poses and issue as to whether a person can get the necessary time off from their full time job to attend. Ron also stated he seems to be competing for man power which tends to go toward the north. Ontario County had a similar problem and they raised the pay of the part-time staff to the same as a starting correction officer. Right now Ontario County pays \$19.31 per hour and we pay \$13.75. Discussion took place on raising the salary of part-time correction officer for a way to hire and maintain and also cut down the overtime. The consensus of the Committee was to go ahead and increase the salary. Ron will have a resolution for Monday's meeting.

A lengthy discussion was held on the high cost of overtime, it might be more cost effective to add two full time corrections officers and the funding would be taken from the overtime line in the budget. There was discussion of costing out a new study and Ron referenced past studies and that the SCOC that mandates the staffing hadn't done one since 2003 and the planning base has changed. The overtime hours is averaging over 1,000 a month in order to meet the state's mandate for our 38 year old linear designed jail. Ron reported that a contemporized pod designed jail would reduce the number of current officers needed to staff it. The consensus of the Committee was to add two full time correction officers. Ron will have a resolution for Monday's meeting.

Ron reviewed the revenue report which showed \$120,440.33 received so far this year.

Ron reviewed his memo pertaining to the jail medical cost saving efficiencies. Ron explained that for the last couple of years any medical bill that has come in \$2,000 or more he has used the Maxon Company to review and "scrub" the medial bills to obtain lower pricing. After researching various other companies this year Ron feels that the CorVel Company may be a better company to provide this services. Maxon was saving about 15%, and CorVel can save approximately 35%. The consensus of the Committee was to allow Ron to use CorVel.

Elden question if there was any progress with the tower issues. Ron explained he is working with the County Attorney and Ontario County on the legalities of the contract. Ron has stopped paying for the tower in Italy and there will be savings there. Ron explained he won't be able to change the contract with the tower on Sid Hill until June of next year and then that savings will be seen.

Mark questioned if his email of July 2 is going to be addressed. Mark stated there are issues and questions that have been brought up and it starts with looking at the Open Book NY.

Bill explained the issues that have been brought up in the past have been talked about. There is nothing there to work with. You can talk about Open Book NY but what are we going to do about it. We are here today to actually try and deal with situations that are before the county. That is what we deal with, is reality, as to what is happening today and taking care of it.

Mark stated that in looking at Open Book NY, the total Public Safety cost for 2013, we are number 2 in the state for cost per capita.

Bill stated, the Sheriff has explained before that other things were combined in the Open Book NY compared to other counties going back years ago. Open Book NY is not an apples to apples comparison, there are other things include in the Public Safety figures. Bill seems to remember something like Highway being include in the Public Safety data. Bill feels this is not a document that the Public Safety Committee needs to tackle as far as Open Book NY. Bill feels that Open Book NY is about the same thing as our inflation index, which is basically an arbitrary number that is thrown out there. It has no real meaning on what is really happening.

Elden asked if Mark has an actionable item that he is suggesting as opposed to just studying graphs and data.

Mark stated he was asking to look at overall county crime stats and comparing them to other counties and saying do we have a higher crime rate here, is that what is driving it. What are the factors that are driving this? Some people have said that we are sized for a much larger population, should we be sized for a larger population, I don't think so. We should ramp up for a higher population. Mark feels there is some significant questions but it requires people actually sitting around and talking about the issues rather than pretend they don't exist.

Bill explained there was just an example of sitting around talking about the issues and Mr. Wilson also wants to bring up another issue. This is actually what we do is talk about issues. As far as talking about Open Book NY and benchmarking and this and that, let's work with the issues.

Sheriff Spike stated of late our law enforcement services are strained. As you know we have had one deputy transfer to the Monroe County Town Police Department. Another deputy is still in training and there is one road patrol deputy that has been out on medical leave for several months. The department has been operating 3 short which will affect overtime. It also affects being able to provide the services that you would like to provide to some of the complaints out there.

Doug stated that one of the things that Mark is eluding to is that our population increases in the summer time. So is it realistic to staff for the population levels in the summer time in the winter time when there are only 2/3 of the people here. Doug asked the Sheriff if it was reasonable to ramp up staff like that at different times of the year.

Sheriff Spike stated that the only way he can ramp up staff is with the seasonal marine patrol officers. Because of the activity on the lakes. Otherwise our statics in terms calls for service and complaints and crime tend to be matching populations higher than what the US census says we have on the books. They tend to match more of the counties with 35,000 to 45,000 people in them than a county with 26,000 in them. Sheriff Spike stated he does not know why that is but when he looks at it, it tends to be the way the numbers run with our activity. Maybe there is a lot more transient population, maybe there are a lot of people that are actually here but actually count their census in Rochester or Elmira. According to our arrest numbers and calls we respond to, we should be at a higher population.

DA Gardner stated from the dispositional stand point, the people coming in at one time are not necessarily going to end at the same time, every case has a different life span. You can't really plan from a dispositional case stand point.

Sheriff Spike stated that having to employ 40 correction officers in a jail this size is a huge factor. If a pod design jail were built, based on the current population, you could probably cut the staffing considerably.

Mark stated there is another factor. We have a lot of volunteer fire, the public safety numbers include fire. We have very little in for emergency management and fire where other counties have that in for their numbers, especially when you get down state. This is another thing that makes us look a little high.

Doug explained if you were to take the per capita number and divide it by 1.6 or 1.5 how would it look then.

Mark stated it depends on which populations you look at. Before he looked at small counties and surrounding counties, Finger Lakes counties and it was between 50 and 60 percent more is what we averaged. If you look at the demographics of the base population here, 6% are Mennonites and probably another 6 are retirees and I don't think they are high crime populations. It doesn't all add up. Last year the DCJS did a report, they do no benchmarking.

Doug explained that what the DCJS came back with was they evaluated the staffing relative to the response time. Response time compared to other municipalities and other police forces is a form of benchmarking. They may not have said specifically we bench mark this but they did compare it to response time, which is a form of benchmarking.

Mark stated if you look at NYS we are one of the top 5 highly taxed, most expensive states in the country. Here we are a rural county, we have a very expensive, at least on paper, public safety system which raises a concern.

Leslie stated there is one area in public safety that is not mandated that she offered motions more than once and it wasn't popular and that was the marine patrol. I know it is not a huge amount but it is not mandated by the state that we provide that service. You are always after this group for our law enforcement coverage but this is not an area that you would cut back.

Public Comment

Rick Wilson addressed the Committee regarding traffic and speeding on Pre-Emption road. Rick explained we have roads where people are going 85 to 90 miles an hour and the speed itself is not the issue, it's what they are doing at those speeds. They never hit their brakes, they don't slow down for buggies. The Mennonites in the Town of Benton are petrified to the point they have put on roll bars and flashing lights just to cross the roads. Rick stated last week he had produce on a truck that has a flashing strobe light on the back, turning into the driveway. The truck was past his south bound lane going into the driveway when a car went between him and the shoulder of the road. Something like this happens every day. Rick does not care what it cost to have public safety, the Sheriff's give their lives and careers to protect and serve. The people in his town and every north/south road that he has talked to say, we are scared. People are insane behind the wheel. From 6 in the morning until about 8:30 and from 4 in the afternoon to 6 at night it is not safe to be on those roads. Those roads are agricultural roads in an agricultural district. Rick is working with Cornell now on what the rules are governing legislatures and road patrol in Ag districts because this has to stop. We can sit here and talk about all kinds of things, but Rick wants protection. That is the basic foundation of the Constitution of the United States. There is going to be accidents. This is Rick's second time to address the public safety committee on this issue. There has been a letter sent to the legislature registered mail that is putting the legislature on public notice that there is a danger out there.

Leslie moved to enter executive session to discuss litigation strategy in the case of Fox vs Yates County, seconded by Dan.

Sarah reported on a follow up from last night's Human Services Committee meeting with regards to the Conflict Defender support position. The individual is ready to be appointed Monday as the Conflict Defender at the \$45,000 salary which does not include addressing the support position. He understands that position will be addressed along with the others next month. He did ask, however the outcome of the discussion next month is, whether it is handled as an additional salary for him that he then pays to the support position, or whether the support position becomes a county employee, he wanted that issue back dated to the time he is appointed. The consensus of Human Services Committee present was to appoint the Conflict Defender at Monday's legislative meeting.

Meeting adjourned at 5:30p.m.