

Law Enforcement & Public Safety Committee
Regular Meeting Minutes

DATE & TIME: February 4, 2019 – 6:15 PM (or immediately following Public Health & Social Services Committee)
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairwoman Lynn Eckert
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels (left at 7:22 PM), Collins, Haynes & Heppner
ABSENT: Legislator Ronk
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Petit, Nolan & Wawro, Sheriff Figueroa, Under Sheriff Benjamin & Deputy Tagliaferro – UC Sheriff's Office, Chief of Investigations Weishaupt, Chief Assistant District Attorney Kavanagh – UC District Attorney's Office, Director Peterson, Deputy Director Erichsen – UC Emergency Communications/Emergency Management, Deputy County Executive Rider – UC Executive's Office, Mr. Tom Kadgen – League of Women Voters

Chairwoman Eckert called the meeting to order at 6:24 PM.

She thanked everyone for making time to attend the meeting and for their patience while presentation equipment was set up. She complimented the bipartisan and collegial way the former Chair of the Committee, Legislator Maio, conducted the meetings and stated that she hoped to move forward in a similar way. She advised the members that she was looking forward to working with the former Chair of the Legislature who is serving on the committee, as well as the current Majority Leader, and returning committee members Legislators Collins and Haynes.

She advised the members and those in attendance that, in addition to addressing Resolutions before the committee, the members will be taking deeper dives into county programs and polices under the committee's purview and listed bail reform, restorative justice and URGENT as a few examples. She asked the members to consider issues they may like to committee to review and discuss.

She asked Legislative staff to take the roll.

Chairwoman Eckert advised the members that Sheriff Figueroa was in attendance to speak about asset forfeiture and Resolution No. 519 of 2018 which appeared on the agenda under old business.

Sheriff Figueroa thanked the members for the opportunity to address the committee. He emphasized the importance of asset forfeiture and shared a PowerPoint presentation with the members; a copy of which is appended to these minutes. He highlighted a number of cases he participated in during his time with the NYS Police, and stated that his experience in law enforcement did not demonstrate an abuse of the forfeiture process. He added that money is not seized from everyday citizens.

He asked if the members had any questions. Legislator Petit asked how many municipalities participated in URGENT. The Sheriff responded that there were 6 or 7. Legislator Petit asked if asset forfeiture processes could be applied to anyone who may be pulled over for a traffic violation with a

large sum of money in their vehicle. Sheriff Figueroa explained that officers would pursue a line of questioning to determine if the money was tied to a drug nexus. Legislator Nolan asked how often assets are seized and kept without an individual actually being convicted. Sheriff Figueroa responded that there is a legal mechanism for an individual to get back a seized asset as long as they can provide adequate proof.

Chairwoman Bartels commented that her main concerns stemmed from incidents where assets are seized without an arrest. She added that cases are brought against assets, not individuals, putting the onus on the individual to obtain legal counsel to fight to get the asset back under very strict timelines. She added that she has a level of confidence that those types of occurrences do not happen in Ulster County, but remained concerned about the process.

Chairwoman Eckert asked if Mr. Weishaupt, Chief of Investigations in the District Attorney's Office, would like to add anything. Mr. Weishaupt stated that Ulster County is typical of the rest of the country. He explained that local jurisdictions cannot forfeit money and in order for the District Attorney's Office to pursue a forfeiture there must be a crime. He added that about every fifteen months there is an occurrence in Ulster County of a traffic stop involving large sums of money in the trunk. He explained some of the legal process for forfeitures. Chairwoman Eckert stated that there appear to be a number of levels of judicial review in the forfeiture process. Mr. Weishaupt confirmed that it was a lengthy legal process. Sheriff Figueroa agreed that the process was not easy and reiterated that the process is not abused in Ulster County. Deputy Tagliaferro from the Sheriff's Office asked what stories or examples the committee had pertaining to asset forfeiture abuses. Chairwoman Bartels stated that she could provide articles that she encountered while researching the process. She added that there are changes being considered on the state level which were included in a speech by Governor Cuomo, including the requirement of a conviction.

Mr. Weishaupt informed the members that there are two portals to report forfeited assets, the eShare program which is administered through the United States Department of Justice, and another portal administered through HSI (Homeland Security Investigations) which is under the Department of Homeland Security. He added that there is an HSI member on the URGENT Task Force making it the preferred mechanism for reporting. He informed the members that HSI takes 40% off the top of reported assets while DOJ takes 20%. The members briefly discussed whether the Chair should also be signing the annual certifications for the HSI program as is done for the DOJ eShare program.

Chairwoman Eckert thanked Sheriff Figueroa and Mr. Weishaupt for their time.

Motion No. 1: **Moved to APPROVE the Minutes of the December 11, 2018 meeting**

Motion By: Legislator Collins
Motion Seconded By: Legislator Haynes

Discussion: None

Voting In Favor: Legislators Bartels, Collins, Eckert, Haynes & Heppner
Voting Against: None
Votes in Favor: 5

Votes Against: 0
Disposition: Minutes APPROVED

Resolutions for the February 19, 2019 Session of the Legislature

Resolution No. 19: Confirming Reappointment Of Member To The Traffic Safety Board

Resolution Summary: This resolution reappoints Giovanna Russo to the Traffic Safety Board for a term to expire January 31, 2022.

Motion No. 2: Motion to ADOPT Resolution No. 19
Motion By: Legislator Collins
Motion Seconded By: Legislator Haynes

Discussion:

Chairwoman Eckert informed the members that Ms. Russo's resume is attached to the Resolution and advised them that they were considering a re-appointment.

Voting In Favor: Legislators Collins, Eckert, Haynes & Heppner
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: Resolution ADOPTED

Resolution No. 48: Appropriating Funds From The District Attorney Forfeiture Account And Amending The 2019 Ulster County Budget – Ulster County District Attorney's Office

Resolution Summary: This resolution requests

Discussion:

Chief Investigator Weishaupt requested that the Resolution be withdrawn stating that he was unclear as to why it was submitted. He explained that the District Attorney's Office has a reserve account and did not require the Resolution in order to deposit the disbursement check in question. He added that he would research how/why the Resolution was requested.

Legislator Haynes stated that the resolution referred to the money going back into state substance abuse programs and asked which program(s) specifically. Mr. Weishaupt responded that program details should be available through NYS OASAS.

At the request of the District Attorney's Office, Chairwoman Eckert, sponsor of the Resolution, withdrew the measure.

Disposition: Resolution is WITHDRAWN BY SPONSOR

Resolution No. 68: Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Division Of Homeland Security And Emergency Services, Office Of Interoperable And Emergency Communications, For The 2018 Statewide Interoperable Communications Grant – Department Of Emergency Communications / Emergency Management

Resolution Summary: This resolution authorizes the Chair to enter into an agreement with the NYS DHSES for participation in the 2018 Statewide Interoperable Communications Grant (SICG), for the period beginning January 1, 2019 and ending December 31, 2020, in the amount of \$575,721.00.

Motion No. 3: **Motion to ADOPT Resolution No. 68**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Collins

Discussion:
Chairwoman Eckert recognized Director Peterson from the Emergency Communications/Emergency Management Department and asked if there were any questions on the Resolution. Legislator Petit stated that she had been speaking to the Esopus Fire Service who indicated that they have been looking for assistance in updating their systems for many years and asked if this grant would help with that. Mr. Peterson responded that the grant program will assist the county in building out the radio services. He added that the specific grant is for subscriber equipment which will directly benefit the Esopus Fire Department.

Voting In Favor: Legislators Collins, Eckert, Haynes & Heppner
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 69: Amending Capital Project No. 482 – Countywide Radio System -Department Of Emergency Communications / Emergency Management

Resolution Summary: This resolution amends the 2019-2024 Capital Improvement Program to increase the Other Equipment appropriations budget line of Capital Project No. 482 “County Wide Radio System” by \$575,721 to reflect the acceptance of funding through the 2018 Statewide Interoperable Communications Grant (SICG.) Funding will be used for necessary improvements and provide for sustainment of Land Mobile Radio Systems (LMR), implementation and maintenance of components supporting interoperability, continuous training and exercise, sustainment and further development of the governance structure.

Motion No. 4: **Motion to ADOPT Resolution No. 69**
Motion By: Legislator Collins
Motion Seconded By: Legislator Heppner

Discussion:
Deputy Director Rider explained that the \$575,721 Statewide Interoperable Communications Grant (SICG) grant approved in the previous Resolution was funding Capital Project.

Voting In Favor: Legislators Collins, Eckert, Haynes & Heppner
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution ADOPTED**

Chairwoman Eckert stated that, out of deference for the prior Chair, she would be keeping the opportunity to share events around the county on the agenda, and asked if anyone wanted to share. Deputy Executive Rider stated that he did not have an event to share, but advised the members that they received an email from the previous Sheriff suggesting that the county explore boarding in ICE detainees awaiting deportation or asylum hearings. He stated that the administration is not supportive of the idea. Chairwoman Eckert asked if Sheriff Figueroa would like to speak on the matter. The Sheriff stated that the prior Sheriff did mention the proposal to him before leaving office but stated that his is not interested in the idea. He informed the members that Greene County recently pulled out the inmates they had been boarding at the Ulster County Jail and have sent them to Columbia County instead. He stated that he called the Greene County Sheriff to inquire about the change but has not received a call back. He encouraged the members not to think about the Sheriff's Office as a money-making institution.

Legislator Nolan advised the members that she had read about an initiative by the Albany County Sheriff to take in ICE detainees and some family members to offer better services and conditions than the federal detention centers around the country. She encouraged Sheriff Figueroa to possibly consider offering similar accommodations. The Sheriff mentioned that he has an upcoming meeting with Sheriff Apple in Albany County to look at a number of programs he has, including medication assistance treatment program for inmates with addiction issues. He extended an invitation to the members and said he would let them know when the date was finalized.

Chairwoman Eckert advised the members that the next meeting was scheduled for March 4th and asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Heppner
Motion Seconded By: Legislator Collins
No. of Votes in Favor: 4
No. of Votes Against: 0
TIME: 7:36 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: March 4, 2019