

**Law Enforcement & Public Safety Committee  
Regular Meeting Minutes**

**DATE & TIME:** June 2, 2021 – 5:15 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656  
Meeting ID: 943 6432 8913  
**PRESIDING OFFICER:** Chairwoman Eve Walter  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Haynes, Heppner (left at 6:09 PM) & Parete  
**ABSENT:** Legislator Fabiano  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Petit, Legislative Counsel Cueva, Sheriff Figueroa & Officer Whitaker – UC Sheriff’s Office, Deputy County Executives Milgrim & Rider, Director Schmidt – UC Probation, Acting Director Erichsen – UC Emergency Communications/Management, Executive Director Carbonari – UCSPCA, Chief Lucchesi – New Paltz Police Dept., District Attorney Clegg, Chief ADA Van Loan, ADA Culmone-Mills, ADA Derohannesian, ADA Ghee, Chief Investigator Weishaupt, Investigator Fiordaliso & Rebecca Rojer – UC District Attorney’s Office

Chairwoman Walter called the meeting to order at 5:16 PM.

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**Motion No. 1:** **Moved to APPROVE the Minutes & Transcript of the May 5, 2021 Meeting**

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Haynes

**Discussion:** None

**Voting In Favor:** Legislators Haynes, Heppner, Parete & Walter  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Minutes & Transcripts APPROVED**

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Chairwoman Walter recognized District Attorney Clegg to make a presentation on the creation of a Discovery and Records Unit within the District Attorney’s Office (PowerPoint appended to these minutes.)

See attached transcript.

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Resolutions for the June15, 2021 Session of the Legislature

**Resolution No. 287:** Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Division Of Criminal Justice Services For Participation In The Criminal Justice Discovery Reform Grant – District Attorney, Department Of Probation, Sheriff

**Resolution Summary:** This resolution authorizes the Chair to enter into an agreement with the Division of Criminal Justice Services for the purpose of Ulster County’s participation in the Criminal Justice Discovery Reform Grant in the amount of \$768,733, for the period 04/01/2020 through 3/31/2021.

**Motion No. 2:** **Moved Resolution No. 287 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Parete

**Discussion:** See attached transcript

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

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**Resolution No. 272:** Amending The 2021 Ulster County Budget To Create A “Discovery And Records Unit” At The Office Of The Ulster County District Attorney

**Resolution Summary:** This resolution creates the permanent positions of (a) Chief of Discovery Unit; (b) one assistant district attorney; (c) one paralegal; (d) one records and operations manager; (e) one video and technical support technician; and (f) one administrative assistant in the District Attorney’s Office.

**Motion No. 3:** **Moved Resolution No. 272 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 242:** Setting A Public Hearing On Proposed Local Law No. 3 Of 2021, A Local Law Amending Local Law No. 7 of 2014, A Local Law Respecting the Outdoor Restraint of Companion Animals, To Be Held On Tuesday, July 13, 2021 At 6:00 PM

**Resolution Summary:** This resolution set a Public Hearing on Proposed Local Law No. 3 of 2021 on Tuesday, July 13, 2021 at 6:00 PM to provide an opportunity for comments to be heard.

**Motion No. 4:** **Moved Resolution No. 242 FOR DISCUSSION**  
**Motion By:** Legislator Parete  
**Motion Seconded By:** Legislator Haynes

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Haynes, Heppner, Parete & Walter

**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 264:** Authorizing The Chair Of The Ulster County Legislature To Execute A Fixed Term Agreement With New York State Office For The Prevention Of Domestic Violence – Enough Is Enough Initiative – Department Of Probation

**Resolution Summary:** This resolution authorizes the Chair to execute an agreement with the New York State Office for the Prevention of Domestic Violence in the amount of \$61,224 annually for Crime Victim Counselor/Educator salary for the Enough is Enough initiatives for contract period May 1, 2021 through April 30, 2022.

**Motion No. 5:** **Moved Resolution No. 264 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 265:** Approving The Execution Of A Contract For \$50,000.00 Entered Into By The County – Legal Services Of The Hudson Valley – Probation

**Resolution Summary:** This resolution approves the execution of a contract with Legal Services Of The Hudson Valley in the amount of \$50,000 to provide legal services for domestic violence cases for the period January 1, 2021 – December 31, 2021.

**Motion No. 6:** **Moved Resolution No. 265 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 266:** Approving The Execution Of A Contract For \$85,440.00 Entered Into By The County – New York Communications Company, Inc. – Ulster County Sheriff

**Resolution Summary:** This resolution approves the execution of a contract with New York Communications Company, Inc. in the amount of \$85,440 for radio equipment lease for URGENT for the period June 1, 2021 – May 31, 2026.

**Motion No. 7:** **Moved Resolution No. 266 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 267:** Authorizing The Chair Of The Ulster County Legislature To Terminate A Memorandum Of Understanding With The New York State Department Of Correctional Services And Community Supervision For Space At Ulster County’s Old Jail – Department Of Public Works (Buildings & Grounds)

**Resolution Summary:** This resolution authorizes the Chair to execute a termination to the Memorandum of Understanding with the State of New York, Office of General Services ceasing use by the NYS Division of Parole of approximately 1,850 square feet of space in the old County Jail, approximately two days per month for a monthly payment of \$1,424.50.

**Motion No. 8:** **Moved Resolution No. 267 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 268:** Establishing Capital Project No. 594 - Black Creek Upgrade, Amending The 2021-2026 Capital Improvement Program - Ulster County Sheriff

**Resolution Summary:** This resolution establishes Capital Project No. 594 upgrade an replace Black Creek Systems equipment and software which operates the doors and locks at the Jail.

**Motion No. 9:** **Moved Resolution No. 268 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 270:** Approving The Execution Of A Contract Amendment For \$25,000.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Edible Independence, Inc. – Emergency Management

**Resolution Summary:** This resolution approves the execution of a contract amendment with Edible Independence, Inc. in the amount of \$25,000 increase the not-to-exceed amount for the period February 1, 2021 through December 31, 2021.

**Motion No. 10:** **Moved Resolution No. 270 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 271:** Approving The Execution Of A Contract For \$150,000.00 Entered Into By The County – Emergency Services Marketing Corp., Inc. – Emergency Management

**Resolution Summary:** This resolution approves the execution of a contract with Emergency Services Marketing Corp., Inc. in the amount of \$150,000 for Iamresponding emergency responder software license for the period July 1, 2021 through June 30, 2026.

**Motion No. 11:** **Moved Resolution No. 271 FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

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

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**Resolution No. 273:** Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #9 – Public Defender’s Office

**Resolution Summary:** This resolution authorizes the Chair to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County’s participation in Distribution #9, Contract No: C900051, for the period 01/01/2019 through 12/31/2021.

**Resolution No. 274:** Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #10 – Public Defender’s Office

**Resolution Summary:** This resolution authorizes the Chair to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County’s participation in Distribution #10, Contract No: C100051, for the period 01/01/2020 through 12/31/2022.

**Resolution No. 275:** Authorizing The Chair Of The Ulster County Legislature To Enter Into An Agreement With The New York State Office Of Indigent Legal Services For Distribution #11 – Public Defender’s Office

**Resolution Summary:** This resolution authorizes the Chair to enter into an agreement with the New York State Office of Indigent Legal Services for the purpose of Ulster County’s participation in Distribution #11, Contract No: C110051, for the period 01/01/2021 through 12/31/2023.

**Motion No. 12:** **Moved TO BLOCK RESOLUTION NOS. 273, 274 & 275**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Haynes, Heppner, Parete & Walter  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolutions BLOCKED**

**Motion No. 13:** **Moved BLOCK FOR DISCUSSION**  
**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Haynes, Heppner, Parete & Walter  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolutions ADOPTED**

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Chairwoman Walter updated the members on the Criminal Justice Reform Task Force.

See attached transcript.

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Chairwoman Walter asked the members if there was any new business and hearing none moved on to Continued Business – Examining and Understanding Violence in Ulster County and Efforts to Prevent it.

See attached transcript.

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She moved on to Old Business and asked the members if they had any ideas or proposals to share regarding uses for American Rescue Plan funding as it relates to the committee specifically.

See attached transcript.

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Chairwoman Walter asked the members if there was any other new or old business, and hearing none;

**Adjournment**

**Motion Made By:** Legislator Haynes  
**Motion Seconded By:** Legislator Parete  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0

**TIME:** 6:23 PM

**Respectfully submitted: Deputy Clerk Mahler**  
**Approved: July 7, 2021**

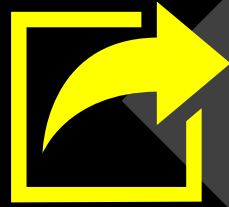


# **Impact of Discovery Reform on the Ulster County District Attorney's Office**



On **April 1, 2019**, New York State passed sweeping **criminal justice reforms**.

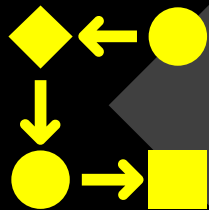
# Key Changes Mandated by Article 245



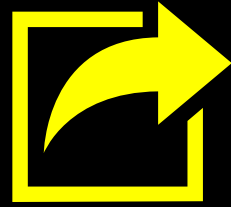
**Automatic Discovery**



**Accelerated Timeline**



**Flow of Information**



# **1. Automatic Discovery**

## § 245.20 Automatic discovery

1. Initial discovery for the defendant. The prosecution shall disclose to the defendant, and permit the defendant to discover, inspect, copy, photograph and test, all items and information that relate to the subject matter of the case and are in the possession, custody or control of the prosecution or persons under the prosecution's direction or control, including but not limited to:

**CPL 245.20 lists 21 different types of materials that prosecutors must turn over to the defense.**

# Even a routine incident can produce hours of footage.

Material	Time	Qty	Total
Dash cams (1 per car)	20min	x2	40min
Body cams (1 per officer)	20min	X4	80min
Room camera at station	20min	X1	20min
Private surveillance cameras from scene of incident	60min	X2	120min
		<b>TOTAL</b>	<b>260min</b>

For example, a 20min incident involving two cop cars, plus booking time and a couple security cameras from the scene results in **over 4 hours** of video.

**To fully comply with the statute,  
prosecutors must provide defense an  
itemized list of all discovery materials  
under each of the 21 categories.**



## **2. Timing of Discovery**



## § 245.10 Timing of discovery

(i) When a defendant is **in custody** during the pendency of the criminal case, the prosecution shall perform its **initial discovery obligations within twenty calendar days** after the defendant's arraignment...

(ii) When the defendant is **not in custody** during the pendency of the criminal case, the prosecution shall perform its **initial discovery obligations within thirty-five calendar days** after the defendant's arraignment....

**Initial discovery is due 20 days after arraignment in a defendant is in custody, and 35 days otherwise.**

**Extensions may be granted for exceptionally voluminous cases.**

# **3. Flow of Information**

**Under the statute, prosecutors are responsible for “the flow of information.”**

**Any materials in possession of local law enforcement are deemed to be in possession of the prosecutor.**

# By the numbers...

**21** categories of discoverable materials

**14** different local law enforcement agencies in County

Over **13 TB** of files in our digital evidence management system  
since Jan 1, 2020

Over **4,500 cases** created in our case management system since  
Jan 1, 2020

## By the numbers...

**\$0.00** initially allocated by NYS to help prosecutors comply with these new obligations

**2 positions** budgeted for in the 2020 Ulster DA budget to assist with discovery compliance

**1 position** filled before the hiring freeze  
(vacant position cut in 2021 budget)

# **A momentous increase in workload and responsibility for Prosecutors.**

## **Before Jan 1, 2020**

- Avg of 18 felony cases per year tried in Ulster County, each requiring a discovery response

## **After Jan 1, 2020**

- 993 new felonies in Ulster County in 2020, each requiring a Discovery Response

**Over 5000% increase in the number of Felony Discovery Responses!**

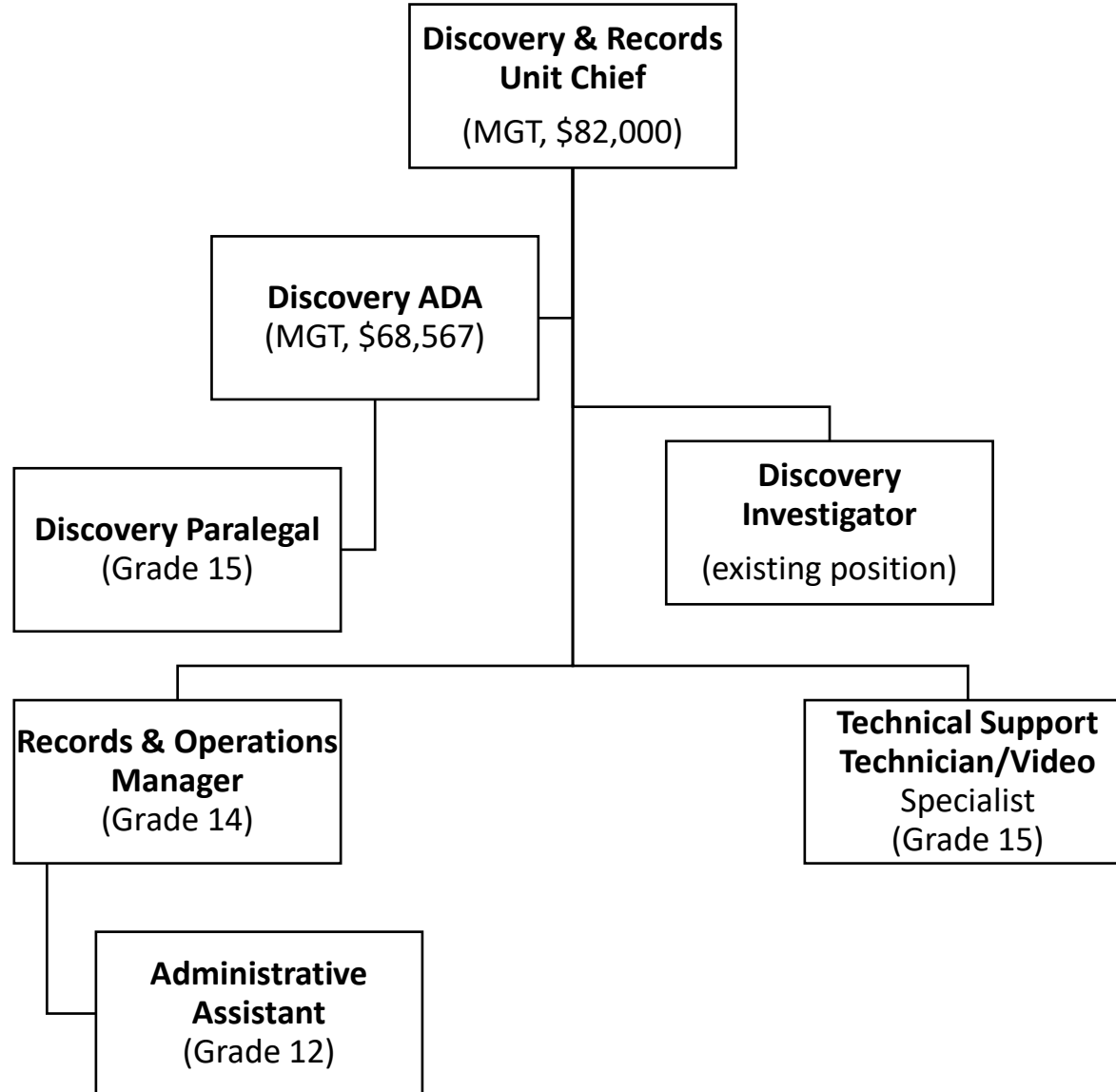
(And an even greater increase in misdemeanors discovery responses)

**We are in dire need of  
additional staffing to comply  
with the new discovery laws  
and bring our record keeping  
into the 21<sup>st</sup> Century.**





# Discovery & Records Unit Proposal



# PROPOSED DISCOVERY UNIT POSITIONS

## Discovery & Records Unit Chief

- Supervise Discovery & Records Unit
- Develop and implement internal office procedures relating to discovery, and physical and electronic record keeping more generally.
- Coordinate with local law enforcement agencies to ensure an efficient flow of information, and prompt and thorough transmission of discoverable materials
- Coordinate with crime laboratories to ensure timely submission of lab analysis

## Discovery ADA

- In-house discovery law expert
- Prepare Discovery Responses/Certificates of Compliances for felony attorneys who are preparing for upcoming trials or balancing especially heavy caseloads
- Work with felony ADAs to request protective orders for sensitive materials (especially regarding victim and witness safety)

# PROPOSED DISCOVERY UNIT POSITIONS

## Discovery Investigator

- Case discovery intake: early identification of missing discovery items; work with local LE agencies to promptly obtain missing items
- Work with LEOs to identify items of evidentiary value and flag important items for ADA review
- Ensure lab results and other materials that result from ongoing investigations are immediately added to casefile; follow up with labs to expedite when necessary

## Records & Operations Manager

- Administer Case Management System; Supervise the opening and closing of case files, both digital and physical
- Administer SOPs for office-wide record keeping and routine Discovery preparation
- Create and run reports to track impending discovery deadlines and case statuses
- Supervise digitization of card catalog and related archival projects

# PROPOSED DISCOVERY UNIT POSITIONS

## Admin Assistant

- Open digital case files in case management system, run criminal history reports on defendants, and send out DEMS link to local law enforcement agencies
- Organize and label discovery uploaded by law enforcement to our Digital Evidence Management System (DEMS)
- Assist with typing, copying, and filing of Discovery Responses
- General record-keeping, filing, and data entry to ensure accurate and consistent records

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Chairwoman Walter called the meeting to order at 5:16 PM.

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**Chairwoman Walter**

Call the ...

**Jay Mahler**

Oh, sorry.

**Chairwoman Walter**

That's okay. I'm gonna leave now. Kidding. The law enforcement and public safety June 2 meeting to order. I'll start with the approval of the May 5 meeting minutes and transcripts. Can I have a motion to approve?

**Legislator Heppner**

I'll move it.

**Chairwoman Walter**

Heppner, second Haynes. All in favor?

**Committee Members**

Aye.

**Chairwoman Walter**

Opposed? Okay. So, I have asked the district attorney, if he could do a presentation that's relevant to two of our resolutions that we'll be looking at today. And because he's got a large team here, and I want to make sure he had the time. Plus, it's important for us to have a presentation before we consider the resolutions. I'm going to be starting with that presentation. So I will hand it over to the district attorney at this time.

**District Attorney Clegg**

Thank you, Eve. Jay, I understand you're going to do our PowerPoint. Thank you. So, we're talking about discovery reform, and what it has burdened this office with, and why we need additional help. So next slide. So this started back in April 1, 2020. And the new law requires us to meet burdens that were never in existence before. Next slide, please.

So what we have is automatic discovery, which means that in every single case that we prosecute, and that includes somewhere in the area of 3500 to 4000 cases a year, we have to on an accelerated timeline provide all the discovery in the case. And we are responsible for the flow of information, both from all the law enforcement agencies, and 14 different law enforcement agencies in our county, as well as the state police in the DEC. Next slide, please.

So, we are to provide discovery to the defendants in every single case, as I said. And everything that is in the possession of the law enforcement community is presumed to be in our possession. So that we have to make additional efforts to make sure that we have every shred of evidence that's in existence, whether it be a body cam, or something else that we have to provide to the defendant in an expedited manner. Next slide, please.

So, there are 21 different types of materials that we must provide. 21 different categories. And in each of those categories, we have to make this proof within that time period. If it is a very extensive case, with a large amount of information, we can make an application to get an additional 15 days of time to do that. Otherwise, we're caught in the fact that we have to get this discovery out immediately in every case, misdemeanor felony, serious case, murder case, whatever it is, within these expedited time periods. Next slide, please.

So, part of the reason that discovery is so onerous at this point is the addition of the body cams, dash cams, surveillance cameras, phones, we now have, most of the cases that have any serious level of investigation involve cell phones, in addition to that, so that we have to send them out for discovery. And we have gigabytes and terabytes of information that we have to provide to our defendants in order to comply with discovery right now. So, it's, it's just, not only do we have to do it in an expedited fashion. But discovery is ballooning. And when we do body cams, and dash cams and surveillance cameras, we on the prosecution side have to examine these videos. And in order to make sure that we're not giving over protected information, we have the right to protect victims, we have the right to protect witnesses. But in order to know what might be on a body cam, we actually have to look at it. So, there are literally 1000s of hours of these body cams and car cams that we have to take a look at before we can turn it over. So that level of surveillance in terms of making sure that we're protecting witnesses at the same time that we're complying with discovery, has created, once again, a huge burden and one of the reasons why we're asking for a video technician to be involved in this discovery unit. Next slide please.

So, we have to provide all the materials in these 21 different categories within the time periods. And if we don't, the thing that we have to be, you know, concerned about is that there are sanctions that can be imposed on us. And they could, sanctions anywhere from dismissal of the case, which would be an egregious sanction, to not allowing the witness to testify, or, or other sanctions that the court may devise. Depending on the magnitude of what discovery wasn't turned over. Obviously, we are doing everything we can to turn over discovery in every case. But we now have the timelines. In the good old days, the prosecutor could walk up at arraignment and say, we're ready for trial judge, and you no longer had to worry about speedy trial issues. At this point, we have to provide every ounce of discovery, then file a certificate of compliance that we've given them everything we possibly have. And it's not until we file that, that we comply with speedy trial issues. So it's a it's a huge level of responsibility, that's now been connected with discovery that never was before. And once again, it makes it so much more URGENT, that we provide all the discovery that we have to have. And our ADAs are doing workloads, and you'll hear from some of them, workloads that in their own estimation are double what they ever had before. And that it doesn't even involve the fact that we have a caseload backlog due to the COVID closure of courts, that has magnified everything in this office. But just the additional work that's needed in every single case, has almost doubled the workload of the people in this office. Next slide, please.

So, the timing of discovery, I've already talked about this. It can be up to 20 days, initially, for most cases, 35 days, if the case is voluminous. Next slide, please. Next slide, please.

The flow of information, all the materials of law enforcement, as I said before, are deemed to be in opposition. So we have to make sure just in case, the police department has not provided us everything and in most cases, they're doing a tremendous job working with us. But we have to send people out to the different law enforcement agencies. Some are more able than others meet this discovery burden of demand. So that we have to make sure that what they

have on their end, the people that they have at their at their beck and call to do this job, are on top of everything that we need to make sure our case is fully disclosed. Next slide please.

These are the numbers. 13 terabytes of information have been provided since January 1, 2020, 4,500 cases have been created in our new case management system, the prosecutor's case management system, which we started implementing, when I came into office, it's digitalizing all of our files. It is still a work in progress because of the, the amount of information that we have to provide. This unit will help us to do that, to get these cases started right away, to get the discovery moving right away, to comply with the timelines. And also to unburden the ADAs in my office. The ADA is in my office, our experience excellent trial attorneys, experience excellent prosecutors, they have now been thrust into doing grunt work, which is computer discovery responses that have to take two to three hours every single day. Because there's 70 plus cases coming into our office every week, on top of the caseload that they have. It comes, the burden is so high, that it is just wearing people out. And, and I'll let my staff talk about that a little bit. But that's why we need this help. If we can get that initial burden met, and say 70 to 80% of the discovery, met by this discovery unit that we want to create, which I believe can be done.

And by the way, in in Dutchess County, they've done this very same thing they've hired in their in their discovery unit, they have three full time ADAs. They have a full time investigator, they have two assistants, plus a secretary. And we're just modeling after that. And they tell us that even with that they're only able to cover maybe 60 to 70% of the discovery responses that they have to do. We're going to be in the same position but without this support. Without this support, the burden is too high, simply too high. So file numbers. When we first got into this because of the hiring freeze, we were able to hire one position, one part time investigator position. And then after that we didn't add anybody. Compare that to what they've done in Dutchess County. At this point in time, we need to expand our budget. Next slide, please.

So, this is once again, going over the the increase in work, I think the 5,000% increase in the number of felony discovery responses, gives you some idea that we're working 50 times harder than we did back in the day, because every case has to be addressed at every level in all of these obligations. Next slide, please.

This is what we need to do in order to meet these new 21st century obligations of our office. Next slide.

So, we've got a discovery records and unit chief. And that's going to be a really important not only supervisory position, but we have right now more serious violent crimes than this office has ever had before. Right now, we are pending six murder cases, plus two murder investigations. Each of those cases requires something in the area 20 to 50 times more work than normal felony cases because of the extensive discovery requirements in those cases. So, we have to make sure that we meet the responsibility of this office in the most serious cases. So, we need a leader in that category that can oversee that and coordinate with all the different agencies. One case we just had, we had 60 different police officers involved. The state police, the Ulster County Sheriff's Department, KPD, Town of Ulster, you've got to coordinate with all of those agencies, get all that information, get it to over to the defense attorney. And the coordination of all that takes a lot of work.

We have a discovery ADA, as we talked about before, we have to protect our witnesses. We need an ADA to be involved in this unit so they can look at it, they can start to triage the cases, they can identify cases where witnesses or victims are exposed, whether there's gang involvement or some jeopardy to them, if they were to be disclosed, we need to identify that sooner rather than later.

The discovery investigator is someone else that can coordinate with all of the law enforcement agencies in our county making sure that they're up to speed and that we have what we need.

The discovery paralegal once again, will provide additional help, in terms of evaluating the cases making sure that we segregate the discovery based upon these 21 different categories that we provided responses, those responses can start with a discovery paralegal.



The records and operation manager. Once again, we have this pcms system digitalizing the entire office, that person would make sure that our digitalized system gets all the input and all the information they need with the support of an administrative assistant, and the technical support person. The, and video is a very important part, as I said before. We need somebody who can expedite the review of, of discovery videos, and make sure that we're covering that category. One of the things I'll just say we've got a domestic violence court here in Kingston, and our ADA, who has a full time caseload of probably more than 150 cases, every week, he has to look through body cams of somewhere between 10 and 20 police officers and new cases that come up. There's just not enough time in the day. And we need to support these ADAs with that work.

So that's the presentation that I want to make. And I'm open to questions. I'd like to ask for some input from some of my ADAs, if that's all right with everybody?

**Chairwoman Walter**

Yeah, that's fine. Who are you looking for?

**District Attorney Clegg**

Well, let's do Liz first. If she's on there, hopefully.

**ADA Culmone-Mills**

I am

**District Attorney Clegg**

Okay

**ADA Culmone-Mills**

Thank you. Thank you for this opportunity to address everyone. My name is Elizabeth Culmone-Mills, I'm in my 15th year as an assistant DA in Ulster County. And for those past 15 years, I've prosecuted domestic violence cases. So, I would like to address everybody and talk to you about my experience with domestic violence cases and discovery reform.

First of all, as we all know, domestic violence cases are probably the most, not probably, they are the most dangerous calls that law enforcement responds to. So when I get a case assigned to me, I get a case that not one, not two, not three, not four officers have responded to but sometimes five, six, or even the entire shift has responded to this one call for domestic violence. And a lot of times, as we all know, victims of domestic violence are reluctant to cooperate with law enforcement, they're reluctant to initially call law enforcement. And so, when officers are interviewing victims, their body cameras are on and victims may be revealing information to that law enforcement officer that they do not want their abuser to know. If their abuser finds out that they've revealed this information to law enforcement, they are put in an extremely more dangerous situation. And so one of the things that I have to do on every single one of my cases is review each and every body camera, patrol car video, for every single officer, so that I can ensure that I am aware of what the victim has told law enforcement, if it is something that I feel like I need to seek a protective order, I have to go through the steps of seeking a protective order for that. And in addition to that, I need to prepare a victim for what will be disclosed to the attorney who's representing his or her abuser.

It is a very laborious process. Right now, I'm assigned 103 cases in our prosecutors case management system that has been assigned to me since last year, since March of 2020. So I'm not doing this on one case or two case or 10 cases or 40 cases or 60 cases. I am doing this on 100 cases. I have been with the Office for a while now and we are in desperate need of assistance. We are absolutely understaffed and this understaffing is causing a risk to public safety. I personally feel as a domestic violence prosecutor that I'm not serving the community in the way that I swore to serve the community 15 years ago, when I became an assistant DA and wanted to prosecute cases where victims of domestic violence were being abused in our community.

I am so thankful to have this opportunity. And I apologize for being emotional. But there really isn't any apology necessary. Because we are here to serve the community. And we are not serving the community because of how overloaded we are. We are not able, we are not able to do that. And we really need the extra resources to be able to protect victims in our community and prosecute our cases intelligently, thoughtfully, and the way that each and every one of you expect us to do that. So, thank you very much.

**Chairwoman Walter**

Thank you so much for what you're doing. District Attorney Clegg, is there anyone else?

**District Attorney Clegg**

Yeah. So, is Paul there?

**Chairwoman Walter**

I do not see a Paul. Okay.

**ADA Derohannesian**

I'm next to Rebecca. Can you hear me?

**Chairwoman Walter**

I'm sorry. You didn't have a name tag, sorry.

**ADA Derohannesian**

Oh, sorry.

**Chairwoman Walter**

Go ahead.

**ADA Derohannesian**

It says Rebecca Rojer on it. My name is Paul Derohannesian, I've been a prosecutor for eight and a half years now with the Ulster County DA's office. I've been with the office before January 20, January 1, 2020. And presently, so I've seen the differences that's required under the discovery laws, both before Dave took office and presently. And it's really drastic the burden that has been placed on us from these new laws that are implemented.

To give you an example, I feel that every single case I have now that I need to successfully prosecute takes twice the amount of time to do so just to make sure that I'm in compliance with the discovery laws. Because before January 1, 2020, we could have a defendant that would want to reach out to us and say, you know, my client's willing to plead guilty, let's set it up for a conference. And we could do that and be in compliance with everything and not have to go through these burdens of filing quick discovery responses, certificates of compliance.

And as much as law enforcement has been great in providing us with hundreds of megabytes of data and gigabytes of data, we have the burden of reviewing everything and making sure that we're being given everything, and it's time consuming. And we all take this job very seriously when we file a certificate of compliance, that under penalty of perjury, we have done our due diligence that we are certifying that everything is being turned over. And it's something that I know myself and all my colleagues are not trying to cut corners on. We want to make sure that when we file a certificate, everything's being turned over. And to do that on every single case, both at the misdemeanor level and the felony level.

It has really hit me where I feel overwhelmed that every case twice the amount of time to successfully, successfully prosecute it. At the moment I carry close to 150 felony cases. And that is triple what I'm used to. Normally, on average, I carry 40 to 50 felony cases. And I'm at the point now where I'm close to 150 due to the heavy burden that all of us are under. We're not able to resolve cases in the quick manner that we were before. And there is an increased time constraint on each case, to have to do more in order to either get a guilty plea before grand jury, or

even when we're scheduling the case for grand jury making sure we've turned everything over and are able to file that certificate of compliance so that once a defendant is arraigned, we can announce ready for trial and not have a case be dismissed.

One of the things I'm very concerned about is the consequences that can come from us missing something, whether it's sanctions, such as evidence not being able to be admitted at trial, or even a dismissal. Those consequences are something I'm really concerned about. And I think having a bureau and a bureau chief that can assist all of us in gathering discovery, making sure we have everything and being able to turn it over in a timely fashion, being able to make us feel confident that we can certify under penalties of perjury that we've done our due diligence, and have turned everything over. I think that it'll go a long way making sure we can be in compliance with what the law is requiring of us, that victims aren't seeing serious cases dropped because of technicalities. With all these voluminous documents that we have to turn over make sure that we've gotten and I just think having another bureau chief and Bureau to assist with everything on it will take such a burden off of all of us.

And I appreciate you listening to me and hearing about my experience.

**Chairwoman Walter**

Thank you.

**District Attorney Clegg**

Thank you, Paul. One thing I just want to add part of the backlog here has been caused by the COVID closure of the court. So, you know there was a period of six months or more where the court was totally closed. We've had limited grand jury time. We have just now back in April had the first jury trial since January of 2020. So, the backlog has been created in part by COVID. And it has been exacerbated and made worse by the discovery requirements that we have that we've been discussing. So, I just wanted to throw that out there so people understand it. I would like to ask for kitty to say something.

**Chairwoman Walter**

Go ahead.

**Chief ADA Van Loan**

Hello. Hello, am I unmuted?

**Chairwoman Walter**

We hear you.

**Chief ADA Van Loan**

Oh, you hear us, great. My name is Catherine Van Loan, Kitty Van Loan. I've been with the District Attorney's office for coming up on 22 years. And I am the chief assistant at this point. One question you may be concerned about is the timing, as this law was passed in January 2020, and why is it now in May of 2021 that our office is in such dire consequences?

And largely that's because the pandemic did help us when it came to discovery. Because during the time the courts were closed, grand jury was closed, meeting in person was curtailed. ADAs were struggling, we're working, we're churning out discovery. And a lot of discovery is not only complying with it, preparing the responses and going through it, but finding out what exists because we are responsible for everything that police departments have. And there are certain documents that are standard. But each case is different. Each case is unique. Sometimes we have to cross reference police reports, with other reports to find out how many officers were there. In a New York State Police case, they may not document or have recordings from another department. So many times it falls on the ADA to cross reference, what not only the arresting agency has, but what any other agency that responded may have in their possession. So, a lot of times it's not only going through the responses, but trying to figure out what exists, who was involved. And that's not always clear.

In addition to that, even when we figure out what there is many times the obligation of obtaining discovery is not in the purview of someone with a legal degree. I've had many frustrating conversations with detectives, where I know what I want and they know what I want, but they don't know how to get to me and then it comes to creating conversations between a police department's IT person with the county's IT person and all of this takes time. And that is why it's significant that our office have an in house unit where we can address these issues quickly, without waiting for the county IT to straighten this out, which may or may not happen within that 20 day time period.

In any event, our, our district attorneys have been cranking out discovery throughout the pandemic. But now as courts open and grand jury returns to two full days per week, and we are back to working on these backlog cases and meeting with witnesses, and preparing witnesses, we no longer have time to do the discovery that we've been churning out for the past year and a half. And even in within the past year and a half, we're not up to date, there have been tolling provisions that the executive orders have handed down, giving us more time. So, we've been doing it, but not in a timely fashion. And now all of the tolling provisions from the executive orders have run out, have expired, we no longer have that safety net in terms of time, and we don't have the time anymore at all, because now we're going back to court, we're going back to Grand Jury, and we're going back to all the responsibilities that we have always handled. And that's why the crisis is, is coming now at the reopening and not back at the beginning.

And the last thing to point out, you've already heard from Ms. Culmone-Mills and from Mr. Derohannesian that the office has been stretched, it's really been pushed for the last 18 months. And there's a responsibility on each lawyer to sign that certificate of compliance. Our law licenses are on the line when we sign off, that we've turned over everything that exists. Because right now most of the time we're crossing our fingers that we have everything. We've done our best to do everything that we can do. But right now, that's not enough. We don't always have the ability to cross reference with the police. And to really be confident when we sign those certificates that we have that we need.

We need help. And we need help that's not always lawyers. We do need at least one lawyer to, to supervise and coordinate. But we need people with other expertise. We need an investigator, we need someone who can work with video, as Ms. Culmone-Mills pointed out with these protective orders. Many times, it doesn't mean that evidence doesn't turn over, it means it gets turned over [inaudible] fashion. Which means that not only do we need to watch those hours and hours of video recordings, but they may need to be redacted. And we may need to turn over portions either without sound or we may be have to be able to cut them out and turn over everything but a particular portion, and yet save the particular portion that attorneys can view it at a later date. So, there's a certain amount of not only reviewing all this, but editing, cropping going through all these videos to comport with whatever protective, whatever protections we're seeking in those protective orders. Which is why we need a unit team that's beyond just lawyers, but provides the lawyers with the with the clerical, the investigative, the video editing support that we need to get through this voluminous material in a more, in a quick and organized fashion.

**Chairwoman Walter**

All right, thank you. So District Attorney when we go through the resolutions, there may very well be specific questions. So, what I'm going to ask is that we take a couple of things out of order. So, I want to first start with resolution 287. And Heidi, I'll just read it out loud since I'm using your phone. I'm so authorizing the Chair of the Ulster County Legislature to enter into an agreement with the New York State Division of Criminal Justice Services for participation in the criminal justice discovery reform grant. Motion to discuss? Legislator Haynes. Second?

**Legislator Parete**

Yeah, I'll second it

**Chairwoman Walter**

Legislator Parete. So, District Attorney will you just tell us briefly what this grant is doing?

**District Attorney Clegg**

So, this grant is covering the costs of discovery as well as costs related to bail reform. And we were given a grant of six, \$760,000 plus dollars from the DCJS. And we have applied for it through the Department of Probation.

Nancy Schmitt was the guiding light there. My office applied for approximately \$425,000 out of that amount. We also went to every law enforcement agency in the county asked them what they had expended. The grant terminated as of March 31 of this year, so it's retroactive. We didn't get notice of it till February of 2021. So, it was retroactive money that was coming in. But we're told that we have a very good likelihood of getting the majority, if not all, of that grant.

**Chairwoman Walter**

Thank you. Any questions or comments from any of the Legislators about this funding? Legislator Haynes.

**Legislator Haynes**

I'm sorry, can you say again what the total amount was? I was a little bit confused.

**District Attorney Clegg**

\$768,000. And I don't have the, the 100s. Yeah.

**Legislator Haynes**

And this is running through the Department of probation?

**District Attorney Clegg**

No. Well, it was submitted by the Department of Probation. We applied, we went to every law enforcement agency in the county, we got their expenditures. We provided, Nancy was kind enough to actually put it all together. She had some costs, the Sheriff's department had, they were all added together and submitted to DCJS, I think on May 18, or 19th.

**Legislator Haynes**

Okay, thank you.

**District Attorney Clegg**

Sure.

**Chairwoman Walter**

Others? So I'll say, you know, I think this was a blessing that this money came about. You know, I think it's, it's highly unfortunate that when the state passed its discovery and bail reform laws, it did not have any funding behind it. And I have been hearing from all of the different agencies under this law enforcement, public safety on what, how challenging it has been to oblige by these new rules. Which I'm in very much support of the of the change to laws, but not in support of the fact that there was no money that that helped allow this to happen. And I've been hearing the stress from law enforcement, I've been hearing the stress from the prosecutor's office, and, and I've been hearing it for oh, you know, at least a year over a year. And so the idea that DCJS identified this funding to help reduce some of the burden that had, has, has already existed, I think it's just wonderful. And we're so lucky that we have this opportunity.

**District Attorney Clegg**

Eve, if I can interject?

**Chairwoman Walter**

Sure

**District Attorney Clegg**

I've got Chief Rob Lucchesi on the line here. I just wanted him to have an opportunity to speak, if that's okay?

**Chairwoman Walter**

Yeah, absolutely. Go ahead Chief.

**Chief Lucchesi**

Thank you very much. I just wanted to speak in support of the, the grant and just the work that the district attorney's office has been doing. You know, voluminous is, is, is not an understatement. The amount of video data that we as a local law enforcement agency have to go through, you know, has forced us to hire an individual solely for discovery. And that individual has been working with the DA's office, in terms of getting them the materials that they need. But just alone we've had the body, our body worn camera program for less than a year, and we're almost, we're over nine terabytes of data just for us. And so, when you have these cases, it requires extensive work on our part, but even more so on theirs.

We're one of 14 agencies in this county. I'll give you an example, we just joined the IPVI program, we were operational on May 17. And since that time, we have classified eight offenders here in our municipality as either B or C offenders. So that means those are individuals that have been arrested at least once but more, more, these are multiple times. So, the amount of the video, all of the paperwork, all of that needs to be presented to the DA's office. So we actually are hoping that the county will allow the DA's office to apply and this grant is awarded because we have not only the expenditure of personnel, but also of hardware and software, we had to buy a whole new computer system so that we are able to transmit the video data and other written materials to the DA's office for discovery purposes. And this isn't just for felony cases.

Please keep in mind that in local court here for misdemeanor an ADA cannot even enter into a plea without providing the defense with the discovery material and the certificate. So, these are, we are working under different time constraints. And, and I do think that having this grant will be helpful. I also support you know, and I encourage you all to support the DA the DA's office in getting a team for this. We are still operating in a pandemic environment. I am really concerned when we begin to move towards a pre pandemic environment and the number of arrests and the materials that will be involved.

I think will, will overwhelm not just you know, overwhelm us as an agency but certainly them if they don't have the structure in place to deal with that. And I can, I can't underscore the, the importance of the technical support because body camera video is becoming more and more prevalent with police agencies as we as we move forward. Thank you very much for your time.

**Sheriff Figueroa**

Thank you.

**Chairwoman Walter**

Sheriff.

**Sheriff Figueroa**

Yes, good evening, everyone. I just want to echo what the District Attorney, and the Chief said. We had to do the same thing here at the Sheriff's office. We had to do away with two part time positions to actually hire a person to solely focus on discovery. And this was, so, I had a sergeant doing it, but his role was to get out on the road and supervise when there were major incidents that occurred throughout the county. So this is extremely important, the most important thing, and I have a tech guy who's on the call, not having that, that tech guy is, I can't even imagine how we can operate if we have to wait on Information Services to come here and help us out with things. It's extremely important. The most important thing is these, these discovery timelines and deadlines. The cases will be dismissed. Which means individuals that committed heinous crimes are going to be released. And that is truly a public safety issue for all of us in law enforcement, because we're the frontlines of when things go wrong. And that's something that we really must pay attention to. And I agree with the DA. He needs the help. Let's get him the help. Thank you.

**Chairwoman Walter**

Thank you. And so we, you know, again, it's a little confusing, because we have two resolutions. So the first one we have in front of us is just to participate in the grant. It has already been submitted to DCJS. It sounds like there's every reason to expect that this funding will come. It'll go to the DA, Department of Probation, as well as several law

enforcement agencies. And so that resolution is 287. So we'll start with that one. And if no Legislator has any more questions about the grant, again, it's retroactive. March 2020 to March 2021. Is that right?

**District Attorney Clegg**

March 21st, 2021. Yes.

**Chairwoman Walter**

So, if not hearing anything else, all in favor of resolution 287? Okay, No opposed. So that moves, now moved to resolution 272. Which, briefly, district attorney do you just want to explain what 272 is specifically?

**District Attorney Clegg**

It's the unit, the discover unit we've been talking about.

**Chairwoman Walter**

And this is funding to the end of the year. Correct?

**District Attorney Clegg**

That's right. From July 1 to the end of the year.

**Chairwoman Walter**

Great. Okay, sorry. A motion to discuss resolution 272 ...

**Legislator Haynes**

I'll make that motion

**Chairwoman Walter**

... amending the budget. Thank you. Second?

**Legislator Heppner**

Second.

**Chairwoman Walter**

Heppner. Okay. So, I'll just ask and then I'll open it. So is the expectation you fund this for the rest of the year, then you'll hope to put it into the 2022 budget. That you're expecting that the revenue, the unexpected revenue that's coming from this grant will help, will more than offset these costs.

**District Attorney Clegg**

Yes

**Chairwoman Walter**

Is it your understanding that, that the state plans on continuing to support these efforts?

**District Attorney Clegg**

I made calls today to find out. What I understand right now is that there was \$26 million designated for this purpose from the Manhattan District Attorney's Office for the year 2022. Some of that money may be apportioned in other places. I spoke with the head of the district attorney's statewide group this morning. And that's still in the works. So, I don't know exactly how much money is going to be there. It will no doubt be less than it was this year. This year, I think we covered a lot of the hardware costs of discovery. And that going forward, what we need are bodies. We need people to do the work.

**Chairwoman Walter**

Thank you. Any other Legislators any questions or comments? I'll say that even if no money comes through, it sounds like this is, absolutely has to happen. But I also feel like some confidence that the state has finally realized that they're going to need to help. But it for me feels like I don't for the sake of public safety I'm not, I can't imagine that we don't support this. And this is not just supporting the DA's office. It's supporting all of our municipal law enforcement, our county law enforcement and our department of probation for all being impacted. So, I feel like for myself, this is the right thing to do. Any other further comments or questions? All right, all in favor of resolution 272 to create a discovery and records unit?

**Committee Members**

Aye

**Chairwoman Walter**

Any opposition? Okay, so moved. Thank you.

**District Attorney Clegg**

Thank you.

**ADA Delpozzo**

Thank you.

**Chairwoman Walter**

We'll move to back to resolution 242. Setting a public hearing on proposed local law number three, a local law amending local law number seven of 2014. A local law respecting the outdoor restraint of companion animals to be held on July 13 2021 at six. A motion to discuss?

**Legislator Parete**

Yeah, I'll do that

**Chairwoman Walter**

Second?

**Legislator Haynes**

I'll second it, Haynes.

**Chairwoman Walter**

Great. So, Legislator Petit. Do you want to start first since you brought this forward? And then we could hear from SPCA?

**Legislator Petit**

Sure, yeah. The executive, Gina, is much more versed than I am. I had someone reach out because they were concerned and had suggested some amendments to the law. It's my understanding that essentially with these amendments, which the county attorney and Legislative Counsel did look at, that it will help eliminate some of the gray areas and make it more enforceable. And I guess I don't have to explain tethering? It's essentially, it's a tying a dog up outside the proper sustenance or in weather that's just not, you know, conducive to their well being.

**Chairwoman Walter**

And I believe, so the language of the of the changes come from, are support, are provided to us from I'm sorry, I don't have your name. I just have Ulster County SPCA.

**Executive Director Carbonari**

Yes. Gina Carbonari . I'm the executive director.



**Chairwoman Walter**

Great. And you helped provide the language that, to improve this law. Is that correct?

**Executive Director Carbonari**

Correct. Yes.

**Chairwoman Walter**

Great. Any Legislator have any questions or comments on this one? All right. All in favor Resolution Number 272? Legislator Haynes, are you?

**Legislator Haynes**

Did we just do a vote?

**Chairwoman Walter**

Yes.

**Legislator Haynes**

I was distracted.

**Chairwoman Walter**

That's okay. 272 on the setting ...

**Legislator Haynes**

I'm in favorite of the public hearing. Thank you.

**Chairwoman Walter**

I figured. Okay, so it passes. Resolution Number 264 authorizing the Chair of Ulster County Legislature to execute a fixed term agreement with New York State Office for prevention of domestic violence, and this is the enough is enough initiative, state funding. Motion discuss? Legislator Haynes. Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Heppner. Any discussion? All right. All in favor of Resolution Number 264. Opposed? Abstained? Okay, so moved. Next, we have resolution 265 approving the execution of a contract for \$50,000 entered in the county for legal services of Hudson Valley for the Department of Probation. Motion to discuss? Legislator Haynes. Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Heppner. Thanks. Nancy, can you just quickly explain what the legal services does in this capacity?

**Director Schmidt**

Sure, this contract specifically is for working with domestic violence victims. So, depending on what legal services they might need. They might need assistance with housing, landlord, any of the laws that help provide protection to domestic violence victims that, where they might need an attorney, but can't afford one, the legal services of the Hudson Valley will help them. Sometimes it's regarding immigration risks that they might be facing. There's a whole variety of different matters that they handle.

**Chairwoman Walter**

Thank you. Any questions or comments? All in favor of resolution number 265? Okay, we have Resolution Number 266 approving an execution of a contract for \$85,440 entered into the county for New York communications company with the Sheriff's office. A motion to discuss?

**Legislator Haynes**

I'll make the motion.

**Legislator Heppner**

Second

**Chairwoman Walter**

Okay, any discussion? All right, all in favor of resolution number 266?

**Committee Members**

Aye

**Chairwoman Walter**

Okay, sounds good. Next, we have resolution 267 authorizing the Chair of the Ulster County Legislature to terminate a memorandum of understanding with New York State Department of Correctional services and community supervision for space at Ulster County Jail. Motion to discuss?

**Legislator Haynes**

Make the motion, Haynes

**Chairwoman Walter**

Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Heppner. Any specific discussion? I'll just say for myself, and I spoke about this at the Chair's meeting and Marc Rider gave me strong assurances that we will make sure there's a parole reporting station in Ulster County. We had found in the past that when we moved it out of Ulster County into Dutchess County, we had a peak in parole violators showing up in our jail. And so, for me, it's very important that we make sure that people can report for parole in the county that they live. But I believe the Executive's office is supportive of that idea. So look forward to seeing what the plan is for that. Any other comments or questions on this? Okay, all in favor of resolution 267?

**Committee Members**

Aye

**Chairwoman Walter**

Okay, next, we have resolution 268 establishing a capital project number 594 Black Creek upgrade amending the 2021 2026 Capital Improvement Program.

**Legislator Haynes**

I'll make that motion.

**Chairwoman Walter**

Legislator Haynes. Thank you. Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Heppner. Alright. Sheriff, do you want to quickly tell us what the change is?

**Sheriff Figueroa**

Good evening, everyone. This, this is for our Black Creek system, which controls our entire security system at the Ulster County Jail. That is the doors, the computers, the, the motion activated security system, the cameras, in our facility. It has not been upgraded since, since 2007. And it's in dire need of repair. It is in disrepair, we still have analog cameras, and those cameras have reached end of life. And now we are looking to improve and upgrade the systems that are required.

**Chairwoman Walter**

Thank you. Any questions? Legislator Parete?

**Legislator Parete**

Yeah, Sheriff. I know you lost your, your, your, your mechanic there, Chris Howe to take care of this thing. Just curiously, oh some time in the last year, you had just posed a concern that they really have a monopoly in the state. This outfit. And you weren't necessarily happy with that. You weren't necessarily unhappy with it. But are there? How did you resolve that in your own mind, anyway?

**Officer Whitaker**

I brought my tech expert who's on here who kind of replaced Mr. Howe, that's Mr. Whittaker. He could explain. Yes, Black Creek is, pretty much have a monopoly on these systems in these jails, and particularly here in New York. But it's imperative to upgrade and Mr. Howe was putting band aids on it for, for many, many years and doing a great job of it, but the system is in dire need of repair. And Mr. Whitaker, do you have a one minute line as to how bad the situation is in our jail in regards to the Black Creek?

**Officer Whitaker**

Yes, sir. Thank you, everybody. I would say just as of yesterday, last night I got called in, I had to pull a monitor from one housing unit and put it in another, or not a housing unit, but another area that we weren't using. So, I'm, I'm robbing Peter to pay Paul, just to get a housing unit up and running. We just lost another one of the reporting mechanisms for the reports that the supervisors need to know when a door is open or when a door is closed. We called the company we're trying to get it fixed but lost communication. I just received two replacement PCs to replace two broken ones because they're inoperable. So, this is a, it's a daily occurrence. Again, I know I spoke to some of you last week. Sheriff's only give me a minute. So, I don't know. The cameras are obsolete. We're at the end of life where we're using three operating systems ago. We're still on Windows Vista, and we should be on Windows 10. That's all I can say.

**Sheriff Figueroa**

Thank you, Warren.

**Officer Whitaker**

Yes, sir.

**Chairwoman Walter**

Any other comments or questions? All right, all in favor of resolution number 268? All right, great. Next resolution 270 approving the execution of a contract amendment for \$25,000 causing the aggregate contract plus amendment to be in excess of \$50,000 entered into county for edible independence for emergency management. Motion to discuss?

**Legislator Haynes**

Haynes

**Chairwoman Walter**

Haynes. Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Heppner. Any discussion? Okay, all in favor of resolution 270? Moving on to resolution 271, approving the execution of a contract for \$150,000 entered into the county for emergency management, emergency services, marketing Corp, emergency management. Motion to discuss?

**Legislator Haynes**

Haynes

**Chairwoman Walter**

Second?

**Legislator Heppner**

Second

**Chairwoman Walter**

Okay, any discussion on this one? Sorry, Everett. One of these days, we'll have things to ask you. Appreciate everything that you're doing.

**Everett Erichsen**

Any time.

**Chairwoman Walter**

Okay, all in favor of resolution 271? All right, terrific. And next, we have, would be to take a motion to block resolutions 273, 274, 275, which are all getting money back from the Office of indigent legal services?

**Legislator Haynes**

I'll make that motion, Haynes

**Chairwoman Walter**

Okay

**Legislator Heppner**

I'll second

**Chairwoman Walter**

Heppner. All in favor of the block?

**Committee Members**

Aye

**Chairwoman Walter**

Okay, and then all in favor of these three resolutions 273, 27, Oops, sorry. Is there any? Do you want to talk about these? Okay, so all in favor resolutions 273, 74, 75? Okay. Legislator Parete? Okay. Great.

So, criminal justice reform Task Force update, very briefly, we're still working towards having a final report for you in July with some proposed resolutions. So, I think I'll just leave it at that.

We did have a really fruitful special meeting looking at violence in Ulster County and efforts to prevent it. I will say this, and there, we did need to provide a lot of time to the district attorney's office. So I'm kind of opening to the floor, whether we want to talk about next steps for, you know, the public safety violence initiative hearing, or whether we could either have another special meeting or talk about it more next month. So either we could talk about it more now as to next steps, or would you prefer, fellow Legislators, to have another time period to get to this? Since it's 6 o'clock?

**Legislator Parete**

Well ...

**Chairwoman Walter**

Go ahead Legislator Parete.

**Legislator Parete**

You know, last, last meeting was informative. I think we have to go forward. I still will say that, in all, and the conversations were good, I still haven't heard the conversation about public safety, and preventing crime. But I would certainly leave it up to the Chair, you know, what some of us are looking for, and what's possible, and maybe what isn't. I mean, I do know, some folks would like to come and chat with us.

**Chairwoman Walter**

Yeah

**Legislator Parete**

And are reluctant to because they're, their, their boss would have them on foot patrol up in Turnwood somewhere, you know, in the middle of winter. So, you know, I leave it up to you. I have a, I don't want to go on, I don't want to get involved now. In comments, and, and thoughts.

**Chairwoman Walter**

Okay

**Legislator Parete**

I'll leave it up to you to say, all right, we can have a special meeting, you can, whatever way you like. And invite, maybe some of the other folks have an idea of some folks that may have something other than the party line to contribute, so to speak. And, and that's okay. And if I have a thought or two out send you a note.

**Chairwoman Walter**

That sounds great. So, and we've just lost Legislator Heppner, but so I sent an email follow up to you all, through Jay, kind of giving some potential directions, including do we want to focus on the high areas like Saugerties, New Paltz, Kingston and Ellenville? Do we want to hear from community members, or focus on others? So if you can just take the time, and maybe Jay can send that email out again, so you have it at the top of your list. It'd be great to hear feedback from you all. related to those potential proposed directions, or something else that had, I didn't provide. But as soon as that meeting was over, I kind of tried to summarize some potential ways we can go forward. So, it'd be great to just get feedback at some point.

Okay, and then the last we have American rescue plan, funding, I think, you know, again, it's 6:10. But this is important and timely. I think the best use of this is if there are, if there is something that one of the Legislators, and there's only three of us left here, who want to sort of toss out and get feedback or from other members, this might be the time to get, sort of the sense of the support you have, even though again, there's three of us left. So Legislator Haynes or Legislator Parete, do you have any particular initiatives that you were hoping to sort of hear what we thought?

**Legislator Parete**

Well, alright, at this point. Every time I'm in a committee meeting or something, it becomes very parochial, what can we do for our committee? And there could be things outside of that, quite frankly, that I think to be, that are more important to be addressed. So right this minute. No, no, ma'am.

**Chairwoman Walter**

Okay. Thank you. I'll just say, briefly, that I am working with Legislator Criswell in public safety, public health. And we created a proposal for a crisis stabilization center and crisis respite, to have in Ulster County. This is, comes from a high need from the criminal justice as well as from the public health side, because right now, our law enforcement don't necessarily have a place to go when they have an individual who's having a mental health or substance abuse crisis. And a crisis stabilization center would provide a 24 hour opportunity to get immediate care and get them into services, and a respite would give them 7 to 10 days of services and care. So I will be happy to, I'm really not sure about how the sharing of information is going if either of you have any questions for me about this proposal, and then I'm happy to share with you sort of what we drafted. I mean, we've shared it with the Chair and the you know, the team or whoever they are, but, but yes. Sorry, go ahead. Legislator Parete.

**Legislator Parete**

Yeah, I get it. I just, I don't have a proposal, obviously, of course, but one of the things that's been so paramount in my mind for the last 8 or 10 years, is the opioid epidemic, epidemic. And there's really nothing been done from a prevention standpoint. Awareness, prevention, call it whatever name you want. There's a lot of folks and a lot of programs that once you've got a problem, they tried to help you. And I do think it's, I mean, it's an overused word, but we need like a Manhattan Project. And what can we do in Ulster County? I know we, we want to see bridges and roads, and we want to see things. Well, I think you had asked me what I meant by infrastructure, at one of our first meetings, these young people are infrastructure. Without them, we don't need bridges, we don't need roads. And quite frankly, somehow, which is, which is probably impossible, but a unified front and, and, and hold the schools accountable with us. Because it's got to come there, in my mind. So that's all I'm gonna say now. But I know, I'm more into that than almost anything else.

**Chairwoman Walter**

I agree. And I will say, you know, I am on the opioid Task Force, and also a part of the Ulster Prevention. And we don't have, not just for substance abuse, but you know, the underlying thing with substance abuse is also mental health, untreated mental health issues and behavioral health issues. And we don't have a strong program for our youth in Ulster County responding to, you know, identifying early, early risk identification of either substance abuse or mental health crisis, and, and a real strong mechanism to really find out what's happening and go right in and take care of these kids. And I would love to explore with you and anyone else ideas of what we could do for our youth.

We, you know, there are things that are happening for prevention. It's not nothing. I mean, they're working on reducing prescribing and everything like that, but you're right, there's, we don't, we don't really, we're not focusing on the youth like we need to. I don't know if you recall, but many years ago, we had to use an action program for HIV where we're working with all of the schools on prevention and education and identify, early identification and how to be safe. We, we don't have a similar thing like that for for opioids or substance abuse. And I do think that it's an untapped market that we really need to tap. Go ahead, Legislator.

**Legislator Parete**

Okay. I won't belabor it anymore. But I'm somewhere in my files, which I would probably have trouble retrieving. There was a letter going back almost 10 years, 8 years ago from the school systems, we tried to get them involved. And there's a key word in there "on the advice of counsel, we're not going to cooperate." Not that it's not a good idea "on the advice of counsel." And you know, having lived so long, you get to meet people inside and they said, in essence, they're response was, what we don't know won't hurt us, and so we can't get sued for it. And now, 8 or 10 years later, nothing.

Now, nothing doesn't mean nothing. But quite frankly, there's a huge void. If somebody said, there's not a damn thing we can do about it. If it's gonna happen, it's gonna happen. I might live with it then. But I don't believe that because I believe in education. And education is good. And there's an awful lot of good comes out of education, from my own family and everybody else's. We're all missing the point, big time.

**Chairwoman Walter**

Yeah.

**Legislator Parete**

Thank you. I won't bother you anymore.

**Chairwoman Walter**

No, no. I think it's important. And I, you know, I sort of asked a question to Marc. You know, we, I think about the idea about how, even though the funding doesn't come through us, it comes through BOCES to get law enforcement and place them into the schools. I think a lot of these schools, you know, they don't have therapists, they don't have, you know, therapeutic social workers or psychiatrists at these schools. And it isn't the capacity of the county to have a program that has these specialists. If the schools can't pay or aren't going to do it on their own. Could we create a program in the county where we have these specialists going into the schools and providing these services?

**Legislator Parete**

I believe so.

**Deputy Executive Rider**

We have that now. I mean, that's what the brighter futures initiative is in some of the most [inaudible] for both Ellenville and Kingston. I mean, that, we have people who are working caseworkers. Nancy could explain it more. But I mean, they're working very hands on.

**Chairwoman Walter**

I'm thinking people who actually treat, like, who can, who can respond to mental health, behavioral health or, or substance abuse issues.

**Deputy Executive Rider**

I, this, many of the school districts contract with IFH. They, I mean, I don't know that we have the capacity to do that. Nor, I mean, they have the responsibility. And frankly, they have the money to do that as well. Like, I just don't see that as something that the county can do. When you mentioned the law enforcement officers. We're only doing that in areas where they don't have a police jurisdiction. So, and that's not, that's revenue for us. We're sending in a Sheriff's officer. And they're paying us.

**Chairwoman Walter**

Right. No. I just wanted the info on whether the county could offer these services. Yeah

**Deputy Executive Rider**

Yeah. I mean, they could do the same thing. I just don't know, you know, that we can bring on a bunch of those individuals and have them go out to the school districts.

**Legislator Parete**

Most of the time, we can do anything we want, as long as we think it out well enough.

**Deputy Executive Rider**

Sure.

**Legislator Parete**

Money talks and nonsense walks. And that's what this idea session is all about.

**Deputy Executive Rider**

Right.

**Chairwoman Walter**

Legislator Haynes.

**Legislator Haynes**

And didn't we have that small program with Cheryl Dipaolo and Juanita? They were traveling into schools if the schools wanted them to speak on prevention measures. I can't remember what it was called. Marc. Do you recall?

**Deputy Executive Rider**

Nancy's shaking her head? I don't, I don't know.

**Legislator Haynes**

Oh, I'm sorry. Nancy, do you remember?

**Director Schmidt**

Yeah, it's Ulster Prevention Council, and they still go into schools and do prevention work. It's Substance Abuse Prevention. Eve was at the meeting last week, we had one.

**Chairwoman Walter**

Yeah. And I you know, that's great. The problem is, is a lot of these kids aren't getting care. Like they are not getting the mental health, behavioral health care they need sometimes. And it's whether there's something we can do to help do that because that's the first step before substance abuse, addiction or anything else or violence. You know, I mean, all those things. If, without that care, you know, you take these scenarios of a kid who shoots out their school, if, there's probably a bunch of red flags about this kid for years before that happened, but no services were made available, like nobody identified that this kid needed something and made sure that the kid got the care they need. We don't, we don't remember to do that with our kids.

In the same way, we kind of make this expectation that the school will take care of it. The school has maybe a social worker, but they tend to be more like even the psychiatrists, when they do have a psychiatrist is often more of a guidance counselor. So there's not a system of a strong foundation of mental health, behavioral health, substance abuse care that I've seen, and I've heard this from a lot of different locations. And I, you know, I think, as Legislator Parete says it's worth exploring is if there's something we haven't thought about that we could do that really meets these high risk needs.

**Deputy Executive Rider**

Then it would be worthwhile for the committee to have Aster come in and talk. I mean, that's who provides a lot of our, our services for children. You know, we've, ever since we kind of subcontracted out mental health several years ago and former administrations ago, Family Services does the adult mental health and Aster does, I mean, I think Astor's doing some of this. I think individuals in schools have caseworkers through the health of, the mental health department. And I just think it would be informational to have someone like Aster come in and speak about what sort of services they're already offering in the schools.

**Chairwoman Walter**

Okay. All right. Anything else? With that, I don't know. Can I take a motion to adjourn? I don't know if I, do I have quorum? Or we'll have to stay here forever.



**Jay Mahler**

No, you're good. You're, you're plenty good.

**Chairwoman Walter**

Take a motion to adjourn.

**Legislator Haynes**

I'll make that motion.

**Chairwoman Walter**

Haynes, second? Legislator Parete, second it.

**Legislator Haynes**

John, you're gonna have to second it.

**Legislator Parete**

Me?

**Legislator Haynes**

Yeah.

**Legislator Parete**

You got it.

**Chairwoman Walter**

All in favor.

**Legislator Parete**

Everybody abandoning you?

**Chairwoman Walter**

Thank you. Bye.

**Deputy Executive Rider**

Have a good night.