

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Law Enforcement and Public Safety Committee
DATE: March 8, 2010
TIME: 6:30 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Jack Hayes, Deputy Chairman Thomas Briggs, Legislators Carl Belfiglio, Roy Hochberg, Hector Rodriguez, Michael Sweeney (Left at 7:00PM)

LEGISLATORS EXCUSED: Legislator Kenneth Ronk

OTHERS ATTENDING: Deputy County Executive Robert Sudlow, Legislator Michael Madsen, Corrections Superintendent James Hanstein, Captain Michael Freer, Public Defender Andrew Kossover, District Attorney Holley Carnright, Tom Kadgen (LWV), Timothy Cox (UC Magistrates Association)

MEETING CALLED TO ORDER @ 6:30 PM

APPROVAL OF THE FEBRUARY 2, 2010 MINUTES:

Motion offered by Legislator Sweeney, Seconded by Legislator Rodriguez, All in Favor, Carried.

Emergency Communications/Management - Arthur Snyder

1. **Resolution Draft No. 333, March 16, 2010** – Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Office Of Homeland Security For Anti-Terrorism Funding From The State Homeland Security Program - Amending the 2010 Ulster County Budget

Motion offered by Legislator Rodriguez, Seconded by Legislator Briggs, All in Favor, Carried.

Discussion: It was explained that the State Homeland Security Program funding will be used to hire a consultant and purchase equipment to implement such a system. This grant requires no matching County dollars.

Sheriff's Department - Paul VanBlarcum/Frank Faluotico

Resolution Draft No. 310, March 16, 2010 (No Sign Off - Co-Sponsors) Authorizing The Chairman Of The Ulster County Legislature to Execute A Lease Agreement With Wallkill Body Shop And Glass, Inc. For A Substation Of The Ulster County Sheriff's Office

Motion offered by Legislator Rodriguez, Seconded by Legislator Briggs, All in Favor, Carried.

Discussion: None

Resolution Draft No. 319, March 16, 2010 (No Sign Off - Co-Sponsors) Authorizing The Chairman Of The Ulster County Legislature To Execute A Lease Agreement With The Town Of Wawarsing For A Substation Of The Ulster County Sheriff's Office

Motion offered by Legislator Briggs, Seconded by Legislator Rodriguez, All in Favor, Carried.

Discussion: Substation will be fully functional May 1, 2010.

New Business

- 1) Assignment of Commissions to Legislators - Chairman Hayes is going to work on putting together specific groups that individual Committee members could become liaisons for and could then keep the entire Committee updated on current communications and data. He will be in touch with individual members by e-mail and/or by phone. He asked that anyone who had specific interests to let him know.
- 2) Radio Communications - Chairman Hayes explained that there will be a review happening this year; Art Snyder may have a Grant that can be used to update the radio communication system. Fire stations from around the County feel that their communication systems are lacking. His hope is that when the study is under way it will be looked at in an overall comprehensive way. When recommendations are made, as a Committee we can then move forward on this issue.
- 3) Video Arraignment Pilot Study - Chairman Hayes explained that this is only in a discussion stage; his hope is to cut down on the physical transportation of numerous prisoners to different courts with regards to reappearances by implementing a plan to have arraignments done by video. He has invited Timothy Cox from the Magistrates Association, District Attorney Carnright and Public Defender Kossover to share their opinions on the possibility of video arraignments.

DA: Stated that he has no pros or cons on the issue yet until he has additional information. He stated that there are some rights to Counsel issues that have to be addressed first. He believes that for post-arraignment purposes it may be helpful, especially for inmates that are not local.

Cox: The electronic appearances are governed by Criminal Procedure Law and under the current law electronic appearances cannot be used for arraignments. It only allows for electronic appearances under the law by the defendant after consultation with Counsel. His question coming from the Towns point of view is the cost? Often they are one man operations. The cost of the equipment is high and you would also have to provide under the law a spot where the defendant and Counsel could talk privately, so there are definitely electronic issues, it is not just setting up a camera and running it. You have to have the prior consultation and the opportunity for the defendant to consult with his or her Counsel in private. Besides the technology issues, personnel issues and cost issues, the biggest hurdle would be the legal issues. As of right now the law states numerous counties that you can perform electronic appearances, but Ulster County is not one of them.

Kosover: Stated to the Committee that he came tonight with no agenda. He introduced himself to the new members on the Committee and stated that all are welcome to come to his office, if they have any questions or concerns. With regards to tonight's topic he stated that he is familiar with how this operates, he has seen it operate in New York City. He reiterated what Judge Cox stated, that private communication is critical. In New York City they actually have little booths set up for these sessions. They are small but workable. The lawyer goes in and talks to the client privately, and then he or she would address the Judge. He is not opposed to electronic appearances; many clients do not want to be moved for meaningless court appearances. He is not opposed if it is done correctly. It could be very cost effective. There are concerns by the defense bar about the client being there and being able to see the Judge face to face. But for ministerial appearances, he does not see a problem as long as they can opt out of it, if necessary.

Cox: Added that by law, electronic appearances cannot be used for hearings or trials.

Hanstein: Asked if electronic appearances could be used for Parole or Family Court hearings?

Cox: Under the current Law, no hearings or trials by video. The Governor has in his proposed Language Bill, proposed changes that would remove the names of the Counties, but as far as hearings and trials, that restriction will remain.

Rodriguez: Do we even have a sense if Albany wants this to happen. If not, this might be a mute conversation.

Hanstein: Stated the fact remains that nation-wide, every municipality is trying to find ways to save money and cut back on the expenditures that go out to court; he feels that it is inevitable.

Chairman Hayes: Stated that he would like to formulate this issue with the Committee.

Hochberg: Agreed, that it is a question of time and cost.

Hanstein: Stated that his Department has been offered by Black Creek, to contract with the County for a year, for free. This includes setup and machines in their facility.

Kossover: Told the Committee the County has 39 City, Town, and Village Courts. That is not counting Ulster County Courts and the Parole hearings that take place at the jail. That is a lot of Courts to cover. With respect to the Magistrates' Association position of maintaining Town and Village Courts, the expense of doing things like this could be drastically reduced by using a District Court system. Two full time District Courts, in two locations could drastically reduce expenses for the Public Defender Office, District Attorney's Office and the Corrections Department.

Sudlow: Stated the District Court report that was done by Patterns for Progress should be released within the next month or so. He also added that a Transportation Costs Report should be done and analyzed.

Belfiglio: Asked how the technology of the Court Appearances works? This was further discussed among the Committee.

Kossover: Stated that one of the on going concerns in New York City is what happens to the private communications that happen electronically.

Cox: Stated it still comes down to the cost for the Towns and who is going to be responsible for that cost. Also stated, that you have to involve the Towns if you are talking about District Courts because of the Home Rule issues.

Chairman Hayes: Stated that how he eventually would like to approach this issue is by setting up a Subcommittee to gather additional information. At this point he would like to add it to next months Agenda to keep the discussion current and to possibly establishing the Subcommittee. Before this can move forward, all legal standards have to be met.

4) Old Jail - Chairman Wadnola has asked the Law Enforcement and Public Safety Committee to analyze possible usage of the old jail. The Committee is in the beginning phases of possible solutions. The Committee would like to do a cost analysis, as to whether the old jail should be demolished versus refurbished.

Hanstein: Stated that it cannot stay as a jail, because it no longer meets NYS codes. It has been suggested that a possible use would be as a Juvenile Detention Center. There are only five of these facilities in the state, and it could be a huge revenue opportunity. Feels it would be exceedingly expensive to remove the amount of steel that is there.

DA: Explained that a Juvenile Offender is someone who commits a very serious crime that is designated a crime that the DA can prosecute. Normally if you are under 16 years old and involved in a crime, you are petitioned to Family Court. This has its own criteria concerning housing. The closest housing is in Westchester County or Long Island, there is nothing in the Hudson Valley.

Hochberg: Asked what is the cost as it stands today? Do we heat it? Do we insure it? Is Ulster County spending half a million a year to have it sit vacant?

Sudlow: There are two parts of the jail that are being used and heated. Approximately 1500 square feet is rented by the NYS Parole Division and the Board of Elections is using space for storage.

Chairman Hayes: Board of Elections, CCP, District Attorney and the Courts are all looking for more space and the County Executive's office is in the process of reviewing many possible options concerning space. After deliberation, the Committee agreed to table the topic of the old jail and its usage until the next meeting. He also will bring the topic up at the next Criminal Justice Council meeting.

5) Visit to Orange County Law Enforcement Committee - Chairman Hayes attended this meeting and explained the conditions at the Sullivan County Jail; they have contacted Orange County about the possibilities of outsourcing their population. Orange County let them know that they have a certain vacancy level; they are going to start to look to adjacent Counties. Both Orange County Sheriff Carl Dubois and Sullivan County Undersheriff Eric Chaboty were both at this meeting and participated in the discussions. There were no determinations made, just discussion.

Hanstein: Ulster County Sheriff's Department is already working with Sullivan County concerning possible solutions.

Rodriguez: Stated in terms of competitiveness, is Orange County cheaper? Do they have more cells?

Hanstein: They are not cheaper. They could have more cells, it is a big facility. If Ulster County could make some room, the odds could be in our favor at this point. He stated that the jails population is high at this time.

Hochberg: Spoke with the Commission on Corrections in Albany, and they are very concerned with the conditions at the Sullivan County Jail.

Hanstein: They are in the process of closing wings. The solution would be to build a new Jail, but resources are a problem.

Chairman Hayes: Will add this topic to the Agenda for the next meeting to keep the conversation current.

6) Strategic Planning Initiative - Chairman Hayes stated that he sent out a letter to all affiliates that fall under the Law Enforcement and Public Safety Committee and asked them for their help in creating the beginnings of a Strategic Policy Plans for this Committees responsibility. He asked for an assessment with a view towards establishing

strategic goals, objectives, organizational structure, and action plans. As a Committee we can look at the Annual Reports as they are turned in. He would like to look at the increase in crime rate and the impact that it is having on the other Departments.

Sudlow: Invited all members to come to the monthly Criminal Justice Council meetings to look at the issues and goals that are being set for this year.

- 7) SPCA - Legislator Rodriguez explained that this is an issue that we dealt with last year and it continues to be an ongoing issue. Last year the Ways and Means Committee funding for ten thousand dollars was approved; this year funding was not approved in the 2010 Budget. The ongoing problem is the SPCA is called when there is a problem involving animals. They are maxed out and cannot continue to receive that level of calls. The Sheriff's Department calls upon the SPCA in certain situations. For example, last month the SPCA received a call from the Sheriff's Department that an officer was trying to catch a pig and needed assistance. The SPCA was unable to respond. It makes sense to continue to pay the SPCA the ten thousand dollars so that they can continue to respond to these calls. All surrounding Counties make significant contributions to their SPCA organizations. He made the point that Towns do have Animal Control Units but most of the time, that person is part-time and is not available in the evenings. Would like to see a Resolution put forward to fund the SPCA for ten thousand dollars.

Chairman Hayes: Asked that Legislator Rodriguez put together a draft Resolution for the Committee to review at the next meeting.

DA: Gave praise to the SPCA for all of their efforts.

- 8) Memorializing Resolution recognizing Ulster County Highway Department's contribution to Public Safety - Chairman Hayes will work on a draft Resolution to be approved for Session in April.

Old Business

- Closure on Resolution No. 32, Referred Back to Committee on March 2, 2010, Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Agreement With The Town Of Rosendale - Employment Of Off-Duty Deputy Sheriff

Discussion: Chairman Hayes explained that he has had correspondence from the Sheriff and he does not want to pursue this Resolution. Motion was offered by Legislator Rodriguez, Seconded by Legislator Belfiglio to Table the above mentioned Resolution, All in Favor, Carried.

Motion to adjourn meeting @ 7:55 PM

Motion offered by Legislator Hochberg, Seconded by Legislator Rodriguez, All in Favor, Carried.

Respectfully Submitted,
Tammy Wilson, Senior Legislative Employee
