

MINUTES

PUBLIC SAFETY COMMITTEE

Tuesday, February 5, 2019 8:30 a.m.

Present: Supervisors Verkey, Crane, Verno, Deming, Kolczynski, Miller, Groat, Jacobs and LeRoy, County Administrator Rick House, Fiscal Assistant Ken Blake, Coroners Phil Pettine and Sandy Isaac, Probation Director Mark Ameele, Public Defender Andy Correia, Assigned Counsel Administrator Bruce Chambers, Sheriff Barry Virts, Emergency Services Office Representatives George Bastedo, Jim Lee, Dylan Maybee and Greg DeWolf.

Minutes from the January 3rd Committee meeting were approved as written.

Mr. Calarco presented a transmittal requesting authorization for the District Attorney and Chairman of the Board to sign the Annual Federal Equitable Sharing Agreement for the year ending 2018. Approved 5-0.

The following transmittals were presented for the Probation Department:

--Authorization to amend the Probation Department budget to cover the cost of two replacement vehicles. An additional \$6,520 is needed to cover the cost of the two cars and will be taken from the County's contingency account. Mr. Ameele said the price was higher than budget, as the model requested in the bid could not be obtained and a newer model has been quoted. Approved 5-0.

--Authorization to declare outdated electronic monitoring equipment surplus. A list of the individual units was included with the request. Approved 5-0.

The Committee was informed the second Raise the Age eligible adolescent offender was arrested in the County. The fiscal plan for Raise the Age has had five amendments, as suggested by the Office of Children Services and Division of Criminal Justice Services. At this time there are questions regarding the payment made to Treahy Consultant Inc., for work they are doing for a multi-county area to find a location to construct a youthful offender facility. Mr. Ameele is not certain, at this time, if all consultant expenses will be reimbursed. An offer is being made for land that would be the site of a correctional facility to house up to 30 youths 16 to 17 years of age.

Supervisors were informed conversion to the new State standard database is in the final phase.

Mr. Chambers informed the Committee the new case management system has been installed on the Public Defender's server. Input of records from 2007-2017 will be converted and placed in the server before getting current records up to date. He noted a Board Resolution was passed stating the individual hired for data entry of this information would receive \$15,000. He noted the Committee had said the individual was to submit timesheets for the hours they were working on the project. Mr. Chambers questioned the need for timesheets, as the individual will receive \$15,000 for working on this project and the amount of time it is done in is not relevant.

Mr. Chambers then referred to Board Resolution 026-19 authorizing a contract for assigned counsel administration that sets his salary at \$75 an hour at an amount not to exceed \$16,000 a

PAGE 2

year. He then presented a copy of the Office of Indigent Legal Services budget for distribution of 2018-2020 funding through the Public Defender's Office that listed assigned counsel receiving \$23,000 in 2019. He presented a resolution requesting he be paid this amount in 2019, with his hourly rate remaining the same. Mr. Correia stated the budget the Committee was looking at was the budget that was approved through Indigent Legal Services (ILS); and although the County does not have to pay \$23,000 for assigned counsel costs, he is concerned about not utilizing the funds in this line. Mrs. Crane said she believes there was discussion on this salary during budget preparation time. Mr. Kolczynski made a motion Board Resolution 026-19 be amended and include a total salary for assigned counsel at \$23,000; there was no second. Mr. Verkey stated the request has not gone through the proper resolution process; once this is done in March, the request will be reconsidered by the Committee. Mrs. Crane questioned what will become of unutilized funds in the ILS budget. Mr. Correia said they can be requested to be utilize in the following year.

The monthly report for the Public Defender's Office showed there are 592 open cases in the Department. The ILS distribution for 2014 has been closed out and 2015 and 2016 distributions have been extended.

Mr. Correia updated members on centralized arraignments. On January 28th the Magistrates Association approved the plan for centralized arraignments that has been work on for the past two years. The plan now needs approval by the Office of Court Administration. A room has been established in the County Jail that will be used for centralized arraignments, with court times scheduled at 7 a.m. and 7 p.m. each day of the week, every day of the year. Arraignments will only be held as needed and attorneys and justices will be on-call to meet the schedule. Attorneys will be reimbursed for showing-up at arraignments; \$100 for weekdays and \$125 on weekends. Public Defenders will be paid through payroll and private attorneys paid through voucher. This rate does not include any mileage payment. There is no provision in the plan for Court Clerks to be present during arraignments. Centralized arraignments will start in Wayne County on April 1st. A training session will be held on March 18th for all magistrates.

Mr. Correia voiced concern with statements made at a recent Department Head Meeting regarding the filling of vacant positions. He intentionally left a part-time Attorney position in his office vacant, awaiting Hurrell-Harring grant funding to pay for this position to be made into full-time. Mr. House said consideration will be given to request to fill vacancies; however, documentation for need and cost analysis for the position will be required.

A transmittal was presented requesting authorization to amend the Public Defender's budget to include \$4,443 in rollover funds from 2018 into the 2019 budget. Funds will be used for staff training. Approved 5-0.

The 2018 Annual Report for Wayne Pre-Trial Services was received and filed. During 2018 there were 55 individuals discharged from the County Jail through the Release Program and 28 into the Enhanced Release Program. Through these programs 1,480 jail days were saved by 83 inmates. Mr. Lockhart noted the number of program participants is decreasing, as fewer inmates are being held in the County Jail on bail. He said the number could be further reduced if the State passes legislation regarding cashless bail.

PAGE 3

Pre-Trial also had 31 participants in the Diversion Program; it has been consistently found that 92% of successful Diversion Program clients do not re-commit a crime within two years. Mr. Lockhart said youth participation in this program could be down beginning in 2019 because of Raise the Age Legislation.

The Agency also operates a Homeless Youth Program that assisted 20 youth with intensive counselling and case management services to help them find safe and stable permanent housing. This program is funded through the County's Youth Bureau. Mr. Pettine asked where referrals to this program come from. Mr. Lockhart said most referrals come from schools and the program has literature at many other locations. Mr. Pettine said local police departments should be made aware of the program.

Mr. Lockhart informed members he would be retiring as Director of Wayne Pre-Trial in July; the Board of Directors for the Agency is in the process of searching for a new Director.

Ms. Isaac reported there were 29 death calls referred to the Coroner's Office in January, causes of death were reviewed. The overwhelming majority of these calls did not require an autopsy. Mr. Pettine said some standard has to be set as to when an autopsy is ordered. He voiced concern that the County does not have a morgue. There is one at Newark-Wayne Community Hospital; however, it is small and being used for their purposes. Mr. Pettine questioned if consideration would be given to the County having a vehicle designated to take bodies to morgues, as funeral parlors are now being paid for transportation. Ms. Isaac said there is also a need to make sure only appropriate calls are coming directly to the Coroner; calls from Hospice regarding a death should be made to the Office Clerk. She said letters have been prepared and will be sent out in the very near future to Hospice providers, area Nursing Homes and funeral homes stating that next of kin must be known prior to any body being removed and telling when the Office Clerk should be contacted instead of the Coroner.

Mr. Kolczynski voiced concern with electronic death certificates being returned. Ms. Isaac said all information on the certificate has to be filled in completely and correctly or the certificate will be returned. She believes the problem is many funeral homes are not utilizing the electronic system.

Don Smith and Bob Brennan from Wayne County SCOPE, came into the meeting to discuss the organizations views on how State Legislation violates Civil Rights. Handouts were distributed on the need for due process in the enforcement of the SAFE Act. A brief video was shown on how a County resident believed his constitutional rights were violated as he was denied due process when found to be in violation of the SAFE Act. Mr. Smith said he believes there is a serious problem with the SAFE Act. Mr. Brennan said he believes the State acted too fast on enacting this legislation and that the State's mental health law has been integrated into the SAFE Act reporting system. He does not believe any resident of the County should have their firearms taken away without due process. Mr. Brennan would like to see the County draft legislation that would state they would follow the law of due process, as related to the SAFE Act.

Mr. LeRoy said he would not support any action on this issue that was not supported by the County Sheriff. Sheriff Virts said this issue has been discussed on many State levels; he is not supportive on not enforcing State Law.

Supervisor Groat left meeting at 10:20 a.m.

PAGE 4

The following monthly reports were presented for the Sheriff's Office:

- Court Security: During December 2,633 individuals entered the Hall of Justice through the magnetometer. Sheriff Virts said eight staff members are permanently assigned to the Hall of Justice, with a Correction Officer called in as needed.
- Corrections: During December 7 inmates were visited by private attorneys, 23 by Public Defenders, 3 by State Parole, 13 by the Probation Office and 33 by Wayne Pre-Trial. Seven inmate were released to the Pre-Trial Program. There were 65 males committed to the Jail during the month and 13 females. The Facility boarded in 8 inmates from surrounding counties. Thirty-eight inmates paid \$23,675 in bail and \$105 in fines during December. The Jail served over 7,000 meals during the month. Sheriff Virts stated the physical and mental health of inmates is more severe than in the past. There were 11 State ready inmates in the Facility during December.
- Activities: Statistics for both December and the last quarter of 2018 were presented. During December the Sheriff's Office investigated 117 accidents, 18 major crimes and 353 minor crime incidents. There were 3 DWIs, 63 criminal and 27 vehicle and traffic arrests made during the month. Deputies travel 108,501 miles.
- Town/Village Summary: During December the Office processed 48 pistol permits and 52 amendments, 146 record checks were performed and 50 individuals were finger printed. There were 337 sex offenders living in Wayne County at the end of 2018.
- Tickets by Town: There were 284 tickets written in December and over 4,200 for the year. The majority in the Towns of Ontario and Lyons.
- DWI: There were 15 arrests by all agencies in the County during the month.
- Overtime: During December staff worked a total of 4,089 hours of overtime. Sheriff Virts said this number is hard to reduce, as 14 Deputies just entered the Academy and their positions need to be back-filled. There is a group of Correction Officers that will come out of training in April.

The following transmittals were presented for the Sheriff's Office:

--Authorization for the Chairman of the Board to sign an agreement with Health Advancement Collaborative of Central New York for secure electronic health information for Jail inmates. There is no cost for this service. Approved 5-0.

--Authorization to accept patrol rifle ammunition, gas masks and gas mask filters donated from the Exelon Generation Company. The equipment will be used during staff training. Approved 5-0.

An out of state travel request was presented for 911 Supervisor Greg DeWolf to attend the Association of Public Safety Communication Officials Conference in Baltimore, Maryland, from August 10th-14th for a price of \$2,060. Approved.

Mr. Maybee gave an update on the CAD/MDT/RMS project. There are 38 outstanding service requests on the CAD side and 37 on the RMS. The Division of Criminal Justice Service has reached out to the Sheriff's Office regarding product testing, stating Hexagon is taking up too much of their time. The Sheriff's Office has now taken on the responsibility of entering data needed for the Web MRS system; clerical staff is being paid overtime to perform this task. Sheriff

PAGE 5

Virts noted changes in Division of Criminal Justice Service rules when submitting these reports is making entering the data more complicated. Mr. Maybee said this issue could affect the project schedule. Mr. Verkey stated if the CAD/MDT/RMS Project was completed on time this would not be an issue. Supervisors acknowledged the amount of County labor that has been expended on this project.

Supervisor Miller left the meeting at 10:55 a.m.

The monthly activities report for the Emergency Management Office was presented. The Office responded to a storm alert on January 19th, working together with the Sheriff's Office, Public Works, National Weather Service and various State agencies. Personal preparedness training for Garlock employees was conducted, with approximately 300 employees participating in one of the nine sessions offered. Artifacts discovered on the Wolcott radio tower site appear to be insignificant. The contractor's final report and subsequent approval by the State are anticipated over the next few weeks. It is anticipated work on this project can resume in the spring. 911 operations successfully operated out of the back-up center on December 13th; six additional dates for operation at the back-up center are scheduled during 2019.

The following transmittals were presented for the Emergency Services Office:

--Authorization to solicit proposals for the Wayne County Multi-Jurisdictional Hazard Mitigation Plan. The current plan expires in May and needs to be updated for the County to retain eligibility for participation in the FEMA Hazard Mitigation Grant Program. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement with Verizon Business Network Services for the continued provision of maintenance of disaster recovery equipment at an annual cost of \$3,180. Mr. Lee said this equipment is utilized to keep the 911 Center in operation at the Back-up Center in Newark. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement extension with Walworth Ambulance for continued housing of the County's ALS response vehicle for an additional six months. Mr. Lee noted the County's desire to have all ALS cars be County owned. He asked the Walworth Ambulance if they would sell their ALS vehicle to the County; they would not. There are funds in the 2019 County budget to purchase a vehicle. There is no room to house the new vehicle in Walworth, so it is proposed the vehicle be housed at the Ontario Volunteer Emergency Squad location; however, until the new vehicle is received, the Walworth vehicle will still be utilized. Approved 5-0.

--Authorization for the Chairman of the Board to sign an agreement with the Ontario Volunteer Emergency Squad for the housing of a County ALS vehicle, storage space for EMS supplies and space for one County Paramedic while on duty. There is no fee for use of the space. This will not take place until October when the new vehicle is in service. Approved 5-0.

The radio tower site in Newark is up and operational, with the exception of the Sheriff's channel. This channel cannot be completed until the Wolcott tower is in place.

Mr. Lee said he will be submitting the revised EMS study to sub-committee members with a request they submit their comments to him within a week. He hopes to have the RFP for this out on the street in two weeks.

PAGE 6

The meeting adjourned at 11:15 a.m. The next meeting of the Public Safety Committee is scheduled for Tuesday, March 5th at 8:30 a.m.