AGENDA
JUDICIAL & PUBLIC SAFETY COMMITTEE
Wednesday, January 8, 2020, Chambers – to follow Planning

CALL TO ORDER: By Hon. Andy Dennison, Chair

MEMBERS: Legislators Keith Batman, Elane Daly, Michael Didio, Heidi Nightengale, Hans Pecher, and Tucker Whitman

EXCUSED: Michael Didio and Tucker Whitman

OTHERS:

MINUTES TO APPROVE: December 4, 2019

APPOINTMENTS:
Policy Review & Oversight Committee (PROC)
Jeremy VeVone, 15 Third Ave., Auburn, NY 13021, Term – 1/1/16 to 12/31/20 (New appt.)

DEPARTMENT UPDATES FOR COMMITTEE:

- **Denise Spingler (911) –**
  - **Policy Matters for Committee – 911**
    - **2019 SIEC Grant received 755,380 (Jan 2020-Dec 31,2021)**
    - **Grant Reporting due 1/31/20**
    - **2019 Statistics:**
      164,768 calls answered
      35,703 911 calls
      80,190 Calls for Service
      Busy Bee Award – Shelly DelFavero (11,181)
  - **Emergency Communications System**
    - New microwave project completed

- **Lloyd Hoskins (Assigned Counsel/Stop DWI) – No updates**
- **Dr. Adam Duckett (Coroner) – No updates**
- **Jon Budelmann (District Attorney) – No updates**
- **Amy Russett (Fire/EMO) – No updates**
  - "Winter Storm Amy" Tabletop Exercise scheduled for January 23rd @ 9am in the Cayuga County EOC – all Legislators are welcome to attend
- **Jay DeWispelaere (Probation) – No updates**
- **Brian Schenck (Sheriff) –**
  - Members of our agency have begun following the new state mandates to release criminal offenders with appearance tickets for numerous violations, misdemeanors, and felonies that are not qualified as "violent" offenses as well as the violent offenses of Burglary 2nd (dwelling) and Robbery 2nd (aided by another).
  - We have scheduled collective bargaining utilizing Facilitated Intensive Negotiations (FIN) on January 27th through the 29th with the Deputy Sheriff's Police Association (Patrol Union). Their collective bargaining agreement expired on December 31st of 2019.
  - We have scheduled collective bargaining utilizing Facilitated Intensive Negotiations (FIN) on February 24th through the 26th with the Sheriff's Employee's Association of Cayuga County (Custody Union). Their collective bargaining agreement expired on December 31st of 2018.
  - The first meeting of our newly formed Crisis Intervention Team will take place on January 9th. This collaborative effort between law enforcement and multiple disciplines that serve those in need of mental health treatment will seek to better serve those dealing with mental health issues as well as reduce the need for law enforcement responses.

- Our labor counsel is continuing to work with the Deputy Sheriff's Police Association's Counsel to draft an agreement relative to the new Special Patrol Officer / Student Resource Officer position that we would like to offer to area school districts.
- The Sheriff and Administrative Staff have been looking at options to update our 556 page policy and procedure manual. With continually changing laws, mandates, and best practices, it is crucial and challenging to maintain current policy and procedure.
- A third group of inmates (6) graduated from our Thinking for a Change Program in the jail. This program works to change how those that attend handle situations and reduce recidivism. We are hoping to add additional programming in the coming year to continue working on crime reduction strategies from the jail.

RESOLUTIONS:

SHERIFF:

1-20-JP-1 Authorizing the Sheriff's Office to set a fee schedule for the acquisition, amendment and transfer of New York State Pistol Permits

1-20-JP-2 Authorize the Sheriff to fill one vacant SRO position in the Cayuga County Sheriff's Office

1-20-JP-3 Authorizing the Chairman of the Legislature to accept a grant from the New York State Governor's Traffic Safety Committee

1-20-JP-4 Authorize the Sheriff to ill one Deputy Sheriff in the Law Enforcement Division of the Cayuga County Sheriff's Office

1-20-JP-8 Authorize the Deputy Sheriff's Police Association (DSPA) to enter a Memorandum of Agreement to staff Patrol Officers at School Districts to serve as School Resource Officers

PROBATION:

1-20-JP-5 Authorizing the Probation Department to enter into a contract with Cayuga Counseling to provide all pretrial release services

DISTRICT ATTORNEY:

1-20-JP-6 Authorization to create and fill full-time Support Staff (Confidential Secretary to DA) position in the District Attorney's Office together with setting the salary

1-20-JP-7 Authorization to create a full-time Assistant District Attorney position in the District Attorney's Office and setting the salary

LEGISLATURE:

1-20-LEG-1 Supporting NYSAC'S advocacy efforts in connection with recent changes to the bail and discovery laws

EXECUTIVE SESSION: re: Contract negotiations

ADJOURNMENT: Wednesday, February 12, 2020 to follow Planning

If you have a disability and need accommodations, please call the Clerk of the Legislature's office at 253-1308 at least 48 hours before the scheduled meeting to advise what accommodations will be necessary.

COUNTY OF CAYUGA
REQUEST FOR APPOINTMENT FORM

Requested Appointment To: Policy Review & Oversight Committee (PROC)

Name of Recommended Appointee: Jeremy VeVone
Address: 15 Third Ave., Auburn, NY

This appointment is recommended by: Cayuga County Association of

Length of Term: (Start date and End date, not just years) 1/1/16 12/31/20

New Term or Unexpired Term? ☑ **New Term** ☐ **Unexpired Term**

Name of person previously in this position: Patrick Burns

Is this a compensated position? ☐ **Yes** ☑ **No**

Is this a new appointment or reappointment? ☑ **New appt.** ☐ **Re-appt.**

If it is a reappointment, how long have they served?

Describe briefly the duties required of the proposed appointee.

Provides representation from the Cayuga County Association of Emergency Services (CCAES) on the PROC. Will provide assistance with governance review of the emergency communications system and assist the 911 Center with issues that may arise with regards to delivery of Fire or EMS services in Cayuga County.

Please provide a brief sketch of the proposed appointee(s) background (education, outside interests, etc.)

Jeremy is the Chief of the Owasco Fire Department

Revised 1-14-19

1-20-JP-1

RESOLUTION NO. _____ **1/30/2020** **SHR Pistol Permit Fee Schedule**

Authorizing the Sheriff's Office to set a fee schedule for the acquisition, amendment and transfer of New York State Pistol Permits

BY: Andy Dennison, Chair, Judicial and Public Safety Committee
Chris Petrus, Chair, Ways and Means Committee

WHEREAS, it is the duty of the Cayuga County Sheriff's Office to process and complete various transactions including the acquisition, amendment, and transfer of New York State Pistol Permits; and

WHEREAS, the New York State Penal Law Section 400.00 subsection 14 sets an authorized fee or range of fees for those services which are in addition to any fees required by the State or Federal government for the acquisition of finger-print based criminal history information; and

WHEREAS, the law further requires that the County Legislature pass a resolution setting those fees; therefore, let it be

RESOLVED, that the Cayuga County Legislature hereby set the following fees for pistol permit transactions initiated in the County of Cayuga and authorize the Sheriff of Cayuga County to collect those fees:

Initial Application Processing: $10.00
Permit Amendment: $3.00
Gunsmith or Dealer License: $10.00
Duplicate License Fee: $5.00
County to County Permit Transfer: $5.00

Judicial & Public Safety	**Ways & Means Committee**
Andy Dennison, Chair	Christopher Petrus, Chair
Keith Batman	Keith Batman
Elane Daly	Elane Daly
Michael Didio	Andy Dennison
Heidi Nightengale	Ryan Foley
Hans Pecher	Benjamin Vitale
Tucker Whitman	Tucker Whitman

Co. Atty:_____

1-20-JP-2

RESOLUTION NO._____ **1/30/2020** **SHR Fill SRO Position**

AUTHORIZE THE SHERIFF TO FILL ONE VACANT SRO POSITION IN THE CAYUGA COUNTY SHERIFF'S OFFICE

By: Andy Dennison, Chair, Judicial and Public Safety Committee
Chris Petrus, Chair, Ways and Means Committee

WHEREAS, the Sheriff and Cayuga Onondaga BOCES continue to believe there is a critical need to provide safety and security to the student body and staff on their campus through the assignment of a School Resource Officer (SRO) from the Cayuga County Sheriff's Office; and

WHEREAS, the services provided by the position of Deputy Sheriff are critical for smooth and efficient operations of the Sheriff's Office Law Enforcement Division and maintaining safety and well-being in Cayuga County; and

WHEREAS, this position is clearly designated and accepted in the 2020 Cayuga County Sheriff's Budget - Salaries Full Time (A31101 51001); now therefore be it

RESOLVED, that the Sheriff be hereby authorized and directed to fill one SRO position and backfill any vacancies created thereby; and be it further

RESOLVED, the employee hired will be placed at the appropriate step within the Deputy Sheriff's Police Association Compensation Plan for 2017-2019; and be it further

RESOLVED, that this position be filled in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga.

Judicial & Public Safety	**Ways & Means Committee**
_____	_____
Andy Dennison, Chair	Christopher Petrus, Chair
_____	_____
Keith Batman	Keith Batman
_____	_____
Elane Daly	Elane Daly
_____	_____
Michael Didio	Andy Dennison
_____	_____
Heidi Nightengale	Ryan Foley
_____	_____
Hans Pecher	Benjamin Vitale
_____	_____
Tucker Whitman	Tucker Whitman

Co. Atty:_____

Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

Date	12/18/2019
Authorization To:	Fill Only

** New Position Duties Statement (NPDS) - Short Form
REQUIRED IF the title exists within the department

** New Position Duties Statement (NPDS) - Long Form
REQUIRED IF the title does NOT exist within the department

Do you anticipate this request to result in fill-behinds?	No
Cayuga County Department	Sheriff
Job Title Being Requested (Exact Civil Service Title)	Deputy Sheriff
Position Control Number	001872-SYS
Position Status	Permanent
Position Designation	Full-Time
Budget Account Number	A31101 51001
Is a position being abolished to create the new position?	No
Is the salary of requested position in the current comp plan?	Yes
Comp Plan Requested IS IN	DSPA
DSPA Grade	14ZH
Probationary Salary Amount	49568 plus 12%
Step 3 Amount (DSPA or SEACC)	53767 plus 12%
Starting Salary for Position Requested	49568 plus 12%

Justification for Salary Requested	Per contract
Does position include fringe benefits?	Yes
What is the justification for filling this position AND why is it important for your department?	An officer is being assigned to the SRO position at BOCES therefore this position is going to be vacant
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	There is no impact as it is already in our current budget
Department Head	Brian Schenck
Date	12/18/2019
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Julie Piascik
Title of Person Submitting on Behalf of Department or Agency Head	Confidential Secretary to the Sheriff

Approved LHLippoldt HR Admin 12/18/2019

1-20-JP-3

RESOLUTION NO. _____ **1/30/2020** **SHR-NYGTS Traffic Grant**

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ACCEPT A GRANT FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE

BY: Andy Dennison, Chair, Judicial and Public Safety Committee
Chris Petrus, Chair, Ways and Means Committee

WHEREAS, monies were awarded from the New York State Governor's Traffic Safety Committee *Police Traffic Services Grant* for the Cayuga County PTS (Police Traffic Services Program); and

WHEREAS, the New York State Governor's *Traffic Safety Police Traffic Services Grant* goals would be to increase seat belt usage and reduce serious injury and death from traffic crashes in the Cayuga County Jurisdiction; and

WHEREAS, the New York State Governor's *Traffic Safety Police Traffic Services Grant*, would provide funding for supplemental traffic enforcement, educational activities, related training, and in some instances, equipment for the Cayuga County PTS; and

WHEREAS, the Cayuga County Sheriff's Department qualified for the 2019-2020 Grant in the amount of $9,900.00 for Overtime wages only; now therefore be it

RESOLVED, that the Chair of the Cayuga County Legislature is authorized and directed to sign the necessary documentation to accept the New York State Governor's Traffic Safety Committee *Police Traffic Services Grant*; and be it further

RESOLVED, the Sheriff's 2020 Operating Budget, Revenue Account Line A31100 44390 (Fed Aid – Traffic Enforcement Gr) needs to be increased in the amount of $9,900.00, and that the Salary Line A31101 51003 (Salary Overtime) be increased in the amount of the Grant ($9,900.00): and be it further

RESOLVED, that the Cayuga County Treasurer is authorized to make the journal and accounting entries required to implement the intent of this resolution.

Judicial & Public Safety	**Ways & Means Committee**
_____	_____
Andy Dennison, Chair	Christopher Petrus, Chair
_____	_____
Keith Batman	Keith Batman
_____	_____
Elane Daly	Elane Daly
_____	_____
Michael Didio	Andy Dennison
_____	_____
Heidi Nightengale	Ryan Foley
_____	_____
Hans Pecher	Benjamin Vitale
_____	_____
Tucker Whitman	Tucker Whitman

Co. Atty:_____

1-20-JP-4

RESOLUTION NO. _____ **1/30/2020** **SHR Fill Patrol Vacancy**

Authorize the Sheriff to fill one Deputy Sheriff in the Law Enforcement Division of the Cayuga County Sheriff's Office

By: Mr. Andrew Dennison, Chair, Judicial & Public Safety Committee
Mr. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, a vacancy for the position of a Deputy Sheriff (Position Control No. 001899-SYS) exists due to a resignation; and

WHEREAS, the services provided by these positions are critical for smooth and efficient operations of the Sheriff's Office Law Enforcement Division and maintaining safety and well-being in Cayuga County; and

WHEREAS, these positions are clearly designated and accepted in the 2020 Cayuga County Sheriff's Law Enforcement Budget Line - Salaries Full Time (A31101 51001); now therefore be it

RESOLVED, that the Sheriff be hereby authorized and directed to fill one Deputy Sheriff position; and be it further

RESOLVED, the employee hired will be placed at the appropriate step within the Deputy Sheriff's Police Association Compensation Plan for 2017-2019; and be it further

RESOLVED, that this position be filled in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga.

Judicial & Public Safety	**Ways & Means Committee**
Andy Dennison, Chair	Christopher Petrus, Chair
Keith Batman	Keith Batman
Elane Daly	Elane Daly
Michael Didio	Andy Dennison
Heidi Nightengale	Ryan Foley
Hans Pecher	Benjamin Vitale
Tucker Whitman	Tucker Whitman

Co. Atty: _____

Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

Date	1/6/2020
Authorization To:	Fill Only

** New Position Duties Statement (NPDS) - Short Form
REQUIRED IF the title exists within the department

** New Position Duties Statement (NPDS) - Long Form
REQUIRED IF the title does NOT exist within the department

Do you anticipate this request to result in fill-behinds?	No
Cayuga County Department	Sheriff
Job Title Being Requested (Exact Civil Service Title)	Deputy Sheriff
Position Control Number	001899-SYS
Position Status	Permanent
Position Designation	Full-Time
Budget Account Number	A31101 51001
Is a position being abolished to create the new position?	No
Is the salary of requested position in the current comp plan?	Yes
Comp Plan Requested IS IN	DSPA
DSPA Grade	14ZH
Probationary Salary Amount	49568 plus 12%
Step 3 Amount (DSPA or SEACC)	53767 plus 12%

Starting Salary for Position Requested	49568 plus 12%
Justification for Salary Requested	Per contract
Does position include fringe benefits?	Yes
What is the justification for filling this position AND why is it important for your department?	A vacancy exists due to a resignation
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	There is no impact as the position is already in our 2020 budget
Department Head	Brian Schenck
Date	1/6/2020
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Julie Piascik
Title of Person Submitting on Behalf of Department or Agency Head	Confidential Secretary to the Sheriff

Email not displaying correctly? View it in your browser.

LHLippoldt Approval 1/6/2020

1-20-JP-8

RESOLUTION NO. _____ **1/30/2020** **SHR DSPA SRO AGREEMENT**

Authorize the Deputy Sheriff's Police Association (DSPA) to enter a Memorandum of Agreement to staff Special Patrol Officers at School Districts to serve as School Resource Officers

By: Mr. Andrew Dennison, Chair, Judicial & Public Safety Committee
Mr. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, the New York State General Municipal Law, section 209-V, authorizes the employment of retired former members of Police or Sheriff's Departments, State Police, and retired former Corrections, Parole, and Probation Officers by a Police or Law Enforcement agency of a political subdivision for the purpose of protecting property and persons on publicly owned property as Special Patrol Officers; and

WHEREAS, the County of Cayuga and the Cayuga County Sheriff would like to create the position of Special Patrol Officer within the Cayuga County Sheriff's Office to provide security services to area school districts within Cayuga County that would like to contract with the County for said services; and

WHEREAS, members negotiating on behalf of the County of Cayuga and the Deputy Sheriff's Police Association, the bargaining unit representing the Road Patrol Division within the Cayuga County Sheriff's Office, did reach a tentative Memorandum of Agreement on January 6th, 2020 that would authorize the creation of said position; and

RESOLVED, that the County of Cayuga approves the tentative Memorandum of Agreement between the County of Cayuga and the Deputy Sheriff's Police Association; and

RESOLVED, that the County of Cayuga and the Sheriff be authorized to create the position of Special Patrol Officer to provide security services to area schools within Cayuga County that wish to contract with Cayuga County and the Sheriff.

Judicial & Public Safety	**Ways & Means Committee**
Andy Dennison, Chair	Christopher Petrus, Chair
Keith Batman	Keith Batman
Elane Daly	Elane Daly
Michael Didio	Andy Dennison
Heidi Nightengale	Ryan Foley
Hans Pecher	Benjamin Vitale
Tucker Whitman	Tucker Whitman

Co. Atty: _____

Cayuga County/DSPA
SRO/SPO Memorandum of Agreement

The County of Cayuga ("County") and the Deputy Sheriffs Police Association ("DSPA") enter this Memorandum of Agreement ("MOA") agreeing to the following:

1. The County desires to hire Special Patrol Officers ("SPOs") under GML Section 209-v to be contracted as School Resource Officers ("SROs") to School Districts in the County. Notwithstanding either party's arguments about the exclusivity/lack of exclusivity of SRO work, the parties agree that, in accordance with and subject to the terms of this MOA, the County may hire retired police officers as SPOs who will not be members of the bargaining unit and will not be covered by the parties' collective bargaining agreement to serve as SROs..

2. The parties do not have any agreement on minimum manning for the bargaining unit. The parties agree that for purposes of this MOA only, the County will provide SPOs to the County School Districts, on the terms set forth in this MOA, for as long as the County maintains 33 full time budgeted sworn police officer positions. If the County does not maintain 33 full time budgeted sworn police officer positions, or is not actively recruiting to fill the 33 full time budgeted sworn police officer positions, then the County will notify the School Districts that the SROs and/or SPOs will be discontinued for the next academic year. Nothing in this MOA shall be construed to constitute a minimum manning requirement generally for the County.

3. SPOs employed as SROs must be a retired police officer as that term is defined in New York Criminal Procedure Law Section 1.20 and must still have active police officer certification (as defined by NYS Criminal Procedure Law) by the Department of Criminal Justice Services when hired and must maintain their certification as SPOs throughout their employment in these positions.

4. The County will provide training for these SPOs as needed as determined in the Sheriff's discretion. The cost of training will be covered by the school contracts and will not come out of the County Sheriff's Office Law Enforcement training budget.

5. The SPOs employed as SROs will be issued and wear a different uniform than present deputies. The cost of any equipment supplied to the SPOs employed as SROs will be covered by the school contracts and will not ~~generally~~ come out of the County Sheriff's Office Law Enforcement budget.

   PCJ 1/6/2020 SL BPS

6. SPOs employed as SROs will not be issued, or allowed to operate, marked or unmarked patrol vehicles. This shall not apply in exigent circumstances.

7. SPOs employed as SROs will generally handle minor MVA incidents and minor violation level complaints on school grounds. SPOs employed as SROs will not generally leave school grounds to investigate complaints, absent approval of the Sheriff or his delegate for matters related to

school issues in accordance with Department policy and as authorized by GML Section 209-v and CPL Section 2.20.

8. SPOs employed as SROs can be assigned to any school geographically located in the County that agrees to terms with the County that follow this MOA. This MOA shall not apply to any schools currently staffed with Police Officers from another local law enforcement agency. .

9. SPOs employed as SROs will work during normal school hours and may work routine after hour activities. For after hour activities that have historically been staffed by deputies, the school will contract with the Sheriff's Office for full time deputies to staff. SPOs employed as SROs may work after hour activities that have historically been staffed by deputies if they are not filled by deputies after the shifts have been offered.

10. SPOs employed as SROs are prohibited from entering into any agreements involving extra work details staffed by DSPA members.

11. SPOs employed as SROs under this MOA will be supervised by a full time Police Officer employed by the Cayuga County Deputy Sheriffs Department.

12. If an SPO employed as an SRO is sick/absent, the SRO position will not be backfilled with a DSPA unit member. Calls for service will follow the closest car concept that normally dictates police response.

13. Other than the express agreements above, nothing in this MOA shall change, modify, or otherwise affect the collective bargaining agreement between the County and the DSPA. This MOA is entered on a non-precedent setting basis and will be without prejudice to either party's rights or arguments in any future matters, except to enforce the terms of this MOA.

14. This MOA is subject to, shall be effective after, ratification by the DSPA membership and approval by County Legislature.

For the County

Date: 1/6/2020

For DSPA

Date: 1/6/2020

1/6/20

1-20-JP-5

RESOLUTION NO._____ 1-30-20 **PRO Pretrial Release Services rev (2/3 Vote)**

AUTHORIZING THE PROBATION DEPARTMENT TO ENTER INTO A CONTRACT WITH CAYUGA COUNSELING TO PROVIDE ALL PRETRIAL RELEASE SERVICES.

BY: Andrew Dennison, Chairman of the Judicial & Public Safety Committee
Christopher Petrus, Chairman of the Ways & Means Committee

WHEREAS, the 2019 Governor's budget package included the Bail Elimination Act, requiring enhanced pretrial services; and

WHEREAS, Cayuga County is required to provide pretrial services, as ordered by the Courts, to those defendants for which pretrial services are appropriate; and

WHEREAS, Cayuga Counseling Services is the County's current contract provider of pretrial services under an existing contract, but will require additional compensation in order to expand the pretrial program to cover the additional defendants; and

WHEREAS, expanded pretrial services will include Electronic Monitoring for adult offenders (provided by Buddi Tag Monitoring System) at a rate of $3.80 per day, per defendant, which will be billed to Cayuga County monthly by Cayuga Counseling Services; now therefore by it

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized and directed to enter into a contract with Cayuga Counseling for $105,000 to provide all pretrial release services (which encompasses the previous pretrial release contract of $18,960 as well as the additional services mandated by Bail Elimination Act), for the period of 1/1/2020 thru 12/31/2020; and be it further

RESOLVED, that the following budget amendment be made:

		Increase	Decrease
A31404 54	Pre-Trial Release	$105,000	
A31504 54118	Contractual Agreements		$18,960
A31404 54138	Electronic Monitor		$13,697
A Fund balance			$72,343

Judicial & Public Safety

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Andy Dennison, Chair

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Keith Batman

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Elane Daly

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Michael Didio

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Heidi Nightengale

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Hans Pecher

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Tucker Whitman

Ways & Means Committee

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty: _____

RESOLUTION NO. _____ **1/30/20 DA Create Support Staff Position** 1-20-JP-6

AUTHORIZATION TO CREATE AND FILL FULL-TIME SUPPORT STAFF (CONFIDENTIAL SECRETARY TO DA) POSITION IN THE DISTRICT ATTORNEY'S OFFICE TOGETHER WITH SETTING THE SALARY

BY: Andy Dennison, Chair, Judicial & Public Safety Committee
Chris Petrus, Chair, Ways & Means Committee

WHEREAS, New York State's Criminal Justice "Reform" Acts (Bail, Discovery, and Speedy Trial) took effect January 1, 2020; and

WHEREAS, the new statutes created significant additional burdens substantially increasing the workload and shortening the time frame for required actions by the District Attorney's Office; and

WHEREAS, the prosecution is now required to complete their discovery obligations within fifteen calendar days of the defendant's arraignment, and obligation is to provide absolutely everything (akin to what was required prior to trial, months after any arrests); and the sanction will be dismissal if not done; and

WHEREAS, the District Attorney has demonstrated a need for additional secretarial/administrative legal assistance in handling the increased workload in accordance with the new statutes to avoid dismissals and other unacceptable ramifications and the State has failed to fund this new mandate; and

WHEREAS, the District Attorney's need for assistance: in filing motions (to extend/delay disclosure, seeking bail and/or protective orders, etc.) and in obtaining, scanning, and redacting discovery materials as required in accordance with the new statutes; and

WHEREAS, the Cayuga County Legislature is desirous of providing the District Attorney with adequate resources to prosecute crime in Cayuga County and protect its Citizens; now therefore be it

RESOLVED, that the position of an additional Confidential Secretary II within the District Attorney's Office is expanded to full time commencing January 1st, 2020, with an annual salary set commensurate with the title (plus fringe benefits) and shall be placed in Part IV of the Compensation Plan; and be it further

RESOLVED, the District Attorney is authorized to fill the additional Confidential Secretary II position, as well as backfill any vacancies which may be created by filling; and be it further

RESOLVED, that the foregoing be accomplished in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make such necessary journal entries to accomplish the foregoing.

Judicial & Public Safety	**Ways & Means Committee**
_____	_____
Andy Dennison, Chair	Christopher Petrus, Chair
_____	_____
Keith Batman	Keith Batman
_____	_____
Elane Daly	Elane Daly
_____	_____
Michael Didio	Andy Dennison
_____	_____
Heidi Nightengale	Ryan Foley
_____	_____
Hans Pecher	Benjamin Vitale
_____	_____
Tucker Whitman	Tucker Whitman

Co. Atty:_____

Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

Date	12/21/2019
Authorization To:	Create and Fill **

** New Position Duties Statement (NPDS) - Short Form *REQUIRED IF the title exists within the department*

** New Position Duties Statement (NPDS) - Long Form *REQUIRED IF the title does NOT exist within the department*

Do you anticipate this request to result in fill-behinds?	No
Cayuga County Department	District Attorney
Job Title Being Requested (Exact Civil Service Title)	Confidential Secretary to the District Attorney II
Position Status	Permanent
Position Designation	Full-Time
Budget Account Number	A1165
Is a position being abolished to create the new position?	No
Is the salary of requested position in the current comp plan?	Yes
Comp Plan Requested IS IN	Part IV
Part IV Grade	4
Minimum Salary (Part IV)	42,738
Base/Current Salary (Part IV)	42,738
Starting Salary for Position Requested	42,738 - 47,905 (depending on qualifications and experience)
Justification for Salary Requested	The salary is based upon the minimum & maximum salary in accordance with the Cayuga County Compensation Plan for the title.
Does position include fringe benefits?	Yes

What is the justification for filling this position AND why is it important for your department?	The recently enacted New York State Criminal Justice "Reforms" (to Bail, Discovery, and Speedy Trial) will take effect on January 1, 2020. The new statutes will create new burdens significantly increasing the workloads and shortening the timelines impacting the functions of the District Attorney's Office. The prosecution shall be required to perform complete their discovery obligations as soon as practicable, but not later than fifteen calendar days after the defendant's arraignment, and the new obligation is to provide absolutely everything (akin to what was required prior to trial, months after any arrests). The District Attorney has demonstrated a need for additional secretarial/administrative legal assistance in handling the increased workload in accordance with the new statutes to avoid dismissals and other unacceptable ramifications and the State has failed to fund this new mandate. The District Attorney has also demonstrated a need for assistance in handling the increased workload (motions to extend/delay disclosure, seek bail and protective orders, etc.) and facilitate in obtaining, scanning, and redacting discovery materials as required in accordance with the new statutes.
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	The new position will increase our budget beginning in January 2020. However, we have recently established a Revenue Account for our online Ticket Reduction Program fees. The expected Revenue is approximately $7,000 per month ($84,000 annually).
Department Head	Jon E. Budelmann
Date	12/212019
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Jeannette McCormick
Title of Person Submitting on Behalf of Department or Agency Head	Executive Assistant to DA

RESOLUTION NO. _____ **1/30/20** **DA Create New FT ADA Position** 1-20-JP-7

AUTHORIZATION TO CREATE A FULL-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY'S OFFICE AND SETTING THE SALARY

BY: Andy Dennison, Chair, Judicial & Public Safety Committee
Chris Petrus, Chair, Ways & Means Committee

WHEREAS, New York State's Criminal Justice "Reform" Acts (Bail, Discovery, and Speedy Trial) took effect January 1, 2020; and

WHEREAS, the new statutes created significant additional burdens substantially increasing the workload and shortening the time frame for required actions by the District Attorney's Office; and

WHEREAS, the prosecution is now required to complete their discovery obligations within fifteen calendar days of the defendant's arraignment, and obligation is to provide absolutely everything (akin to what was required prior to trial, months after any arrests); and the sanction will be dismissal if not done; and

WHEREAS, the District Attorney has demonstrated a need for additional legal assistance in handling the increased workload in accordance with the new statutes to avoid dismissals and other unacceptable ramifications and the State has failed to fund this new mandate; and

WHEREAS, the Cayuga County Legislature is desirous of providing the District Attorney with adequate resources to prosecute crime in Cayuga County and protect its Citizens; now therefore be it

RESOLVED, that a full-time Assistant District Attorney position is hereby created in the District Attorney's Office at Grade 9 at a minimum salary of $63,968 and shall be placed in Part IV of the Compensation Plan; and be it further

RESOLVED, that the foregoing be accomplished in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make such necessary journal entries to accomplish the foregoing.

Judicial & Public Safety	**Ways & Means Committee**
_____	_____
Andy Dennison, Chair	Christopher Petrus, Chair
_____	_____
Keith Batman	Keith Batman
_____	_____
Elane Daly	Elane Daly
_____	_____
Michael Didio	Andy Dennison
_____	_____
Heidi Nightengale	Ryan Foley
_____	_____
Hans Pecher	Benjamin Vitale
_____	_____
Tucker Whitman	Tucker Whitman

Co. Atty:_____

Authorization to Create/Fill

A copy of this completed form MUST be attached to ALL Civil Service MSD-426 forms when filling a position.

Date	1/1/2020
Authorization To:	Create and Fill **

** New Position Duties Statement (NPDS) - Short Form *REQUIRED IF the title exists within the department*

** New Position Duties Statement (NPDS) - Long Form *REQUIRED IF the title does NOT exist within the department*

Do you anticipate this request to result in fill-behinds?	No
Cayuga County Department	District Attorney
Job Title Being Requested (Exact Civil Service Title)	Assistant District Attorney
Position Status	Permanent
Position Designation	Full-Time
Budget Account Number	A1165
Is a position being abolished to create the new position?	No
Is the salary of requested position in the current comp plan?	Yes
Comp Plan Requested IS IN	Part IV
Part IV Grade	9
Minimum Salary (Part IV)	63,968
Base/Current Salary (Part IV)	63,968 (Note: 1% increase per year for each year of relevant experience)
Starting Salary for Position Requested	63,968 (Note: 1% increase per year for each year of relevant experience)
Justification for Salary Requested	The justification for salary requested is to seek and hire experienced prosecutorial attorneys.
Does position include fringe benefits?	Yes

What is the justification for filling this position AND why is it important for your department?	The recently enacted New York State Criminal Justice "Reforms" (to Bail, Discovery, and Speedy Trial) will take effect on January 1, 2020. The new statutes will create new burdens significantly increasing the workloads and shortening the timelines impacting the functions of the District Attorney's Office. The prosecution shall be required to perform complete their discovery obligations as soon as practicable, but not later than fifteen calendar days after the defendant's arraignment, and the new obligation is to provide absolutely everything (akin to what was required prior to trial, months after any arrests). The District Attorney has demonstrated a need for additional legal assistance in handling the increased workload in accordance with the new statutes to avoid dismissals and other unacceptable ramifications and the State has failed to fund this new mandate.
How is this position funded?	Budget
Is this a reimbursed position?	No
What will the fiscal impact of filling this position in your budget this year and in future fiscal years?	The new position will increase our budget beginning in January 2020. However, we have recently established a Revenue Account for our online Ticket Reduction Program fees. The expected Revenue is approximately $7,000 per month ($84,000 annually).
Department Head	Jon E. Budelmann
Date	1/1/2020
Attestation	I have been directed to submit on behalf of the authorized department or agency head
Name of Person Submitting on Behalf of Department or Agency Head	Jeannette McCormick
Title of Person Submitting on Behalf of Department or Agency Head	Executive Assistant to DA

1-20-LEG-1

RESOLUTION NO. _____ 1/30/20 LEG Support Bail & Discovery Task Force

SUPPORTING NYSAC'S ADVOCACY EFFORTS IN CONNECTION WITH RECENT CHANGES TO THE BAIL AND DISCOVERY LAWS

BY: Hon. Keith Batman, Legislator, District 7
Hon. Andrew Dennison, Chair, Judicial & Public Safety

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on prosecutors; and

WHEREAS, as part of these criminal justice reforms, beginning January 1, 2020, a judges' discretions to set bail for many specific crimes will be eliminated and/or significantly restricted which means those suspected of committing these crimes can no longer be held in jail after their arrest; and

WHEREAS, consideration of the impact of any action in the criminal justice system on crime victims and the protection of victims of crime is of critical interest, concern and focus of all communities; and

WHEREAS, the release of those accused of a crime, in some cases, may be at odds with the impact on and concern for victims; and

WHEREAS, the Constitutional presumption of innocence is a fundamental principle protecting the rights of all Americans; and

WHEREAS, cash bail disproportionately impacts those without financial resources; and

WHEREAS, the critical, essential need to protect victims and to uphold the Constitution may at times create a contradiction and conflict in public policy implementation; and

WHEREAS, the cost of implementing the new statutory changes, particularly those relating to new discovery rules, may be insufficiently studied and understood and will fall to counties in a time of already challenged budgets and finances to implement without any State or other financial support; and

WHEREAS, the New York State Association of Counties (NYSAC has formed the NYSAC Criminal Justice Task Force to bring an objective and considered voice to the discussion of implementation of the bail and discovery reforms; and

WHEREAS, the NYSAC Task Force includes representatives from counties, district attorneys, probation departments, the NYS Assembly and Senate, the Governor's Office and other constituent groups; and

WHEREAS, it is critically important to consider all aspects of the implementation of bail and discovery reform and to get it right; now, therefore, be it

RESOLVED, that the Cayuga County Legislature supports and encourages the work of the NYSAC Criminal Justice Reform Task Force to recommend to its members, including Cayuga County, direction and action regarding the impacts of these criminal justice reforms; and be it further

RESOLVED , that a certified copy of this resolution be delivered to Assemblyman Gary Finch, Assemblyman Brian Manktelow, Sen. Pam Helming, Governor Andrew Cuomo, the New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York.

Aileen McNabb-Coleman District 6	Paul Pinckney District 5	Elane Daly District 11
Tucker Whitman District 1	Keith Batman District 7	Tricia Kerr District 12
Andrew Dennison District 2	Hans Pecher District 8	Timothy Lattimore District 13
Benjamin Vitale District 3	Charlie Ripley District 9	Michael Didio District 14
Christopher Petrus District 4	Heidi Nightengale District 10	Ryan Foley District 15

Co. Atty:_____