



**MINUTES
JUDICIAL & PUBLIC SAFETY COMMITTEE**

Wednesday, May 13, 2020

Live Stream Link: <https://youtu.be/hKvYBO1CAw4>

CALL TO ORDER: By Hon. Hans Pecher, Vice - Chairman opened the live streamed meeting at 6:07 p.m.

MEMBERS: Legislators – Tucker Whitman, Keith Batman, Heidi Nightengale, Elane Daly, Michael Didio

EXCUSED: Legislator Andrew Dennison

OTHERS: Legislators Christopher Petrus, Paul Pinckney, Charlie Ripley, Trish Kerr, Timothy Lattimore, Ryan Foley, County Attorney Christopher Palermo, Assistant County Attorney Brittany Massi, 9-1-1 Director Denise Spingler, Director Youth Bureau and Assigned Counsel Lloyd Hoskins, District Attorney Jon Budelmann, Emergency Management Director Amy Russett, Sheriff Brian Schenck, Probation Director Jay DeWispelaere, Suzanne Gauthier, Administrative Assistant

MINUTES TO APPROVE: April 8, 2020

Tucker Whitman motioned to approve the minutes of April 8, 2020, 2nd by Elane Daly. All members present voted in favor, passed. May 13, 2020.

DEPARTMENT UPDATES FOR COMMITTEE:

- **Denise Spingler (911) –**
 - COVID-19 Update – continuing to screen all callers
 - Staff will be returning to the Primary 911 Center June 1
 - Reporting call volumes to NYS
 - Numbers remaining consistent; Nature counts changing
 - Grant Reporting – 1st Quarter reporting completed
 - Awaiting information on new grants applications
 - 2021 grants - 850k – 1m
 - Discovery Requests
 - 78 – January
 - 84 – February
 - 105 – March
 - 90 – April

Additional Updates:

Director Spingler stated the Discovery requests are still coming in consistently. Staff has finished the 1st quarter grant reporting and will continue to review the new grants as they become available.

- **Lloyd Hoskins (Assigned Counsel/Stop DWI) –**
 - The Centralized Arraignment Program went to all virtual (SKYPE) arraignments for the month of April. The Assigned Counsel office calendared ten attorneys to cover the 7am and 7pm arraignments. There were **37** scheduled arraignments. Judge Leone and Judge Fandrich were the presiding judges for the first three weeks and have been replaced by three of our local magistrates (Judge DiVietro/Owasco; Judge Carlson/Sterling; and Judge Kubarek/Throop)
 - The Auburn City Court also went to all virtual (SKYPE) arraignments for the month of April. The Assigned Counsel office calendared eight attorneys to cover **9** scheduled arraignments that occurred between 9am and 4pm.
 - Weekly ZOOM meetings with Indigent Legal Services (ILS) on application for Statewide Expansion of Hurrell-Harring year 2. Cayuga County's proposed request, \$410,899.65
 - ILS approval 04/22/20 for Distribution #10 for the Assigned Counsel office in the amount of \$131,049.00.
 - At no time during the month of April was the Assigned Counsel office without staff. With two staff, an alternating schedule was implemented and we were able to maintain continuity.

Additional Updates:

Director Hoskins stated the Central Arraignments are being held at the Public Safety Building: 37 held in April and currently 22 arraignments in May. The local Judges are doing the arraignments at 7 am and 7 pm. City Court is currently doing their arraignments through Skype. The Courts in the 7th Judicial will be opening on May 18th with Cayuga County Courts opening on

May 20th. Most sessions will be done through Skype with certain parameters used to determine which cases can be filed and how they will be presented. The Deputy Administrator of Assigned Counsel has been furloughed and will looking to bring her back on when the Courts resume. Legislator Lattimore inquired about the future plans for the Auburn City Court offices at the old Post Office building.

- **Dr. Adam Duckett (Coroner) – No updates**
- **Jon Budelmann (District Attorney) –**

Additional Updates:

DA Budelmann explained the courts have opened virtually and the Discovery requests are continuing. The courts have been authorized to take pleas remotely. No Grand Jury cases scheduled as of yet. Currently with some new recruitment processes, staff is looking to fill the two existing ADA vacancies. The department also has two furloughed employees: Court Stenographer and a Confidential Secretary. DA stated will work on the process to bring these employees back as the Courts are beginning to open.

Legislator Daly inquired about the timing of the furloughs. DA explained the Non-bargaining had been furloughed on May 3rd and the CSEA went into effect on May 10th. DA explained whichever court stenographers transcribed the case, the same individual will need to finish the minutes.

Legislator Lattimore inquired about the how these positions are funded. DA stated these are County funded positions. Legislator Nightengale asked whether qualified candidates are available for the vacancies. Staff will be setting up virtual interviews to begin the process of recruitment. Legislator Batman inquired about the Cayuga County Counseling Pre-Trial Diversion and the Alternative Sentencing contracts which had been extended to June 30th. Batman asked whether the ATI committee has met to make a recommendation on those contracts. DA is looking to further research the details to fulfill the County requirements. Legislator Daly requests the contracts to be reviewed as to whether they need to be renewed; and if so what would the recommendations would be prior to the end of June.

Legislator Lattimore asked due to the Bail Reform and the logistics of the pandemic requirements for the jail whether the public safety concerns are being fully being addressed. DA Budelmann stated new NYS guidelines have been established for more serious offenses and will continue to work to bring the staffing up to appropriate levels.

Amy Russett (Fire/EMO) –

On 5/1/2020 there was extensive flood in Locke. The Town of Locke issued a State of Emergency for this incident. Locke FD and area departments were on scene as well as the EMO Fire Coordinator (Larry Dygert) and EMO Deputy Coordinator (Mike Deyneka). The EMO assisted by communicating with CC Highway to transport 12 pallets of filled sandbags from Fair Haven to Locke, assisted the incident commander in various sandbag walls, pumping out basements, etc. NYS DOT and DEC were also on scene to assist. There were 11 homes affected by this flooding, 1 of those homes were vacated. NYS DOT has built a temporary berm to assist. The Town of Locke has implemented a flood plan with CC Soil & Water.

Continued coordination with Fair Haven regarding filled sandbag deliveries from NYS. Fair Haven has received all other supplies needed (pumps, empty sandbags, and forklift) to mitigate flooding in Little Sodus Bay and are receiving shipments of filled sandbags consistently.

Cayuga Lake is high right now and NYS Canal System has increased outflow into the Canal System to mitigate. Rivers are at moderate flood stages right now. The EMO has established situational awareness to all area Fire Chiefs that this could potentially affect.

The EMO continues to support supply and distribution support for COVID-19 activities.

- Medical grade PPE
- Cloth masks to Essential Businesses
- Hand Sanitizer
- NYS DOH distribution requests
- Shelf Stable Food Boxes
- Donation Receipts

Additional Updates:

Director Russett reviewed the flooding event in Locke on May 1st. EMO has worked with local responders with assistance as needed. Staff had also provided assistance for supplies for Little Sodus Bay in Fair Haven. As Cayuga Lake has been at high levels, EMO has continued communications to the first responders to be aware of potential of high levels along the streams and rivers of Cayuga Lake.

With the ongoing COVID 19 issues, EMO is continuing to push out supplies when requested. EMO has begun conversations with the area nursing homes and adult care facilities in regards to the new NYS DOH guidelines.

Jay DeWispelaere (Probation) – No updates

Additional Updates:

Probation staff continues to work remotely in a reduced capacity, maintaining a presence in the community with safe distance home contacts and communications with Regional and State agencies as to what Probation will need to prepare for when the office reopens. Director DeWispelaere has provided the Chair with a 50% staffing level plan when the decision is made to back into the office.

- **Brian Schenck (Sheriff) –**

- We have continued to maintain numerous temporary changes to our procedures in an effort to combat the spread of illness and Covid-19. Jail visitation, programming, and education are still suspended. There is very limited access to our lobby and facility by the public. We are beginning to work on plans and strategies to move our agency back towards full service. A new procedure to allow for pistol permit amendments to be completed online has been established. Our inmate work crew has begun leaving the building again to work on lawn mowing for area municipalities, cemeteries, and organizations.
- Our member that had contracted Covid-19 is doing well and is returning back to work at the time this report is being written. Many thanks to the Cayuga County Health Department for their guidance and assistance with this issue. No other members of the Sheriff's Office or inmates have tested positive to date.
- Our Patrol Division continues to answer calls for service. For calls that do not require an in person response, complainants are still being interviewed via telephone. Patrol members have been advised to continue limiting their exposure to the public as much as possible while still providing public safety services.
- Overall call volume for our Road Patrol Division has been down slightly; however, we have investigated and seen a disturbing increase in what appear to be opiate overdoses, both fatal and non-fatal throughout the county in the past few weeks. We have also seen a steady number of Domestic Violence calls and requests for help with Mental Health incidents.
- At the time of this report we are housing 126 inmates in our jail with 47 of those inmates being Federal board-ins. The Centralized Arraignment Court (CAP) at the jail remains steady with pre-arraigned detainees being held for all law enforcement agencies throughout the county on a near daily basis. We are maintaining 6 open staff positions in the jail and continue to work as efficiently as possible to limit the need to fill any of these positions given our current fiscal challenges.
- Our Road Patrol members have been trying to recognize children's birthdays throughout the county by participating in birthday parades and singing happy birthday to the kids to help them deal with the fact that they cannot have gatherings due to social distancing rules. These details have been done by numerous Deputies when they are in-between calls for service and when available.
- Our Court Security Division has a reduced number of staff hours currently being worked as the courts are still providing limited service. Fewer posts are currently being manned at this time.
- We are exploring the creation of an inmate garden at the Public Safety Complex to give inmates the ability to learn to grow vegetables and sweetcorn while providing all of the food grown to area food pantries and for use at the jail.
- Our Black Creek system that electronically maintains cell doors and systems at the jail will soon need to be upgraded. The electronics and computer software have become outdated and will need to be replaced. We are beginning to look at this project and prepare to put this out to bid. We hope to maintain the system until next year and address this need during the next budget cycle.

Additional Updates:

Legislator Whitman referencing the Black Creek system stated the system will need to be treated as an ongoing expense whether it would be hardware or a software update. Sheriff Schenck stated will need to find the funds for this year and the project should be budgeted for on a regular basis going forward. Legislator Foley inquired about the process for COVID 19 evaluation for those detained at the Jail. Sheriff Schenck reviewed the evaluation and screening process for new detainees in the jail to keep the building safe for employees as well as those in custody. Legislator Lattimore thanked the Sheriff for the inmates' assistance in helping the ground crews in the County. The Sheriff stated the crews are back out in the field and staying within the parameters established by the State guidelines for COVID19.

SHERIFF RESOLUTION:

5-20-JP-2 Authorize the Treasurer of Cayuga County to transfer funding of leased automobiles from the Sheriff and Jail budget to the General Fund Principle and Interest Funding.

Tucker Whitman motioned to approve and move resolution 5-20-JP-2, 2nd by Elane Daly. No discussion. All members present voted in favor, passed.

EMO RESOLUTION:

5-20-JP-1 Authorizing the Chair of the Legislature and the Director of the Emergency Management Office to sign an agreement with Geopliant, LLC, for Crisis Track Damage Assessment Software

Keith Batman motioned to approve and move resolution 5-20-JP-1, 2nd by Tucker Whitman. No discussion. All members present voted in favor, passed.

- Grant discussion

Sheriff Schenk discussed a current grant opportunity from the US Department of Justice in the amount of \$58,000 for the request of Federal funds to supplement the purchase of Personal Protective Equipment (PPE) to be used in the prevention and/or treatment of COVID 19. If the grant funds are awarded, the Sheriff will bring forward a resolution to accept these funds.

Legislator Nightengale inquired about the reported increase in the number of fatal and non-fatal narcotic overdoses occurring within the County; along with the increased domestic violence incidents. Sheriff Schenck responded as the COVID 19 continues, the overall road patrol calls have gone down; however service related incidents due to mental health issues have increased.

ADJOURNMENT: June 10, 2020 following Planning and Economic Development

Tucker Whitman motioned to adjourn the Judicial and Public Safety Meeting at 6:45 p.m., 2nd by Elane Daly. All members present voted in favor of the motion, passed.

Next Judicial and Public Safety Meeting is scheduled for June 10, 2020, at the Cayuga County Office Building, Sixth Floor County Chambers, 160 Genesee Street, Auburn, New York 13021, via remote access following the Planning and Economic Development Meeting

Respectfully submitted, Suzanne Gauthier, Administrative Assistant
Cayuga County Department of Planning and Economic Development