



MINUTES
JUDICIAL & PUBLIC SAFETY COMMITTEE
Wednesday, August 12, 2020, followed Planning
Live Stream Link: https://youtu.be/_ieSQ5v45qU

CALL TO ORDER: By Hon. Hans Pecher, Chair opened the live streamed meeting at 6:32 p.m.

MEMBERS: Legislators Keith Batman, Elane Daly, Heidi Nightengale, and Charlie Ripley

EXCUSED: Michael Didio, Tucker Whitman

OTHERS: Legislators Paul Pinckney, Aileen McNabb-Coleman, Trish Kerr, Timothy Lattimore, Ryan Foley, County Attorney Christopher Palermo, Assistant County Attorney Brittany Massi, 9-1-1 Director, Denise Spingler, District Attorney Jon Budelmann, Emergency Management Director Amy Russett, Sheriff Brian Schenck, Probation Director Jay DeWispelaere, Suzanne Gauthier, Administrative Assistant

MINUTES TO APPROVE: July 8, 2020

Charlie Ripley motioned to approve the minutes of July 8, 2020, 2nd by Keith Batman. All members present voted in favor, passed. July 8, 2020.

APPOINTMENTS: None

DEPARTMENT UPDATES FOR COMMITTEE:

- **Denise Spingler (911) –**
 - COVID-19 Update – status quo
 - 911 Grants – no new information; reimbursements have been coming in
 - Discovery Requests:
 - 78 – January
 - 84 – February
 - 105 – March
 - 90 – April
 - 102 – May
 - 115 – June
 - 134 – July
 - *36 days behind (as of 8/4)
 - *Once training starts, backlog will grow immensely.
 - *148 cases behind as of 8/12; working on 7/7
 - Vacancies
 - Interviews conducted
 - Background checks in process
 - Orientation anticipated 8/31
 - Supervisor Promotion
 - Will be seeking approval to promote an employee to supervisor in October
 - Need supervision on overnights (A Lines)
 - Will not backfill the dispatch position
 - Need to find a way to make the supervisor position desirable;
 - Minimal pay increase with a significant amount of added responsibility
 - Undesirable hours
 - Intensity of calls today and impact on ESD's / role of SESD's
 - Overdoses increasing - Reminder where all of those incidents start and the impact it has on an employee
 - (2 overdoses / 2 unconscious infants)

ESD Test Stats

Year	Taken	Passed
2009	93	72
2012	93	70
2015	55	38
2018	64	42
2019	47	25
2020	31	17

SESD Test Stats

Year	Taken	Passed
2004	2	2
2014	0	
2016	3	3
2019	2	1

*0
PROMOTIONAL

- Deputy Administrator salary – Jan 2021 – current salary / CSEA increase
- Additional Updates
 - Director Spingler discussed the difficulty in filling a needed Supervisor position. Along with the compression issues with the Deputy Administer position and the Supervisor position, will discuss during the budget talks.
 - Denise further explained how the GIS software maintenance duties currently being done by contractor, Nick Colas, Would prefer to discuss to see if Nick Colas would be available for another year, as his contract expire sat the end of December.

911 RESOLUTION:

8-20-JP-1 Authorization the Chairperson of the Legislature to sign a one year contract with Eaton Corporation for the maintenance of the UPS at the E-911 Backup Center
 Keith Batman motioned to approve and move resolution 8-20-JP-1, 2nd by Charlie Ripley. No discussion. All members present voted in favor, passed.

Chair Pecher asked Director Spingler how the department plans to manage the backlog with the Discovery issues. Director Spingler further explained will be discussing during the budget process the need for an increase staff to handle the discoveries as well as the compression issues with the Supervisor and Deputy Administrator position. Legislator Daly gave an overview of the recent requests for staff and the need to further discuss the duties of her staff department within the 2021 budget process.

- **Lloyd Hoskins (Assigned Counsel/Stop DWI) –**
 - There were **49** “in-person” arraignments at the Centralized Arraignment Program for the month of July. The Assigned Counsel office calendared twenty attorneys to cover the 7am and 7pm arraignments. The attorney cost associated with CAP for July was \$7,200.00.
 - There were **59** Counsel at First Appearance for Auburn City Court. The Assigned Counsel office calendared fourteen attorneys to cover the “on-call” arraignments. The attorney cost associated with Counsel at First Appearance for July was \$5,700.00.
 - The Assigned Counsel Program made attorney assignments to **57** defendants in Auburn City Court and **28** defendants in justice courts for July.
 - Submitted preliminary application for \$410,899.65 to Indigent Legal Services (ILS) for Statewide Expansion of Hurrell-Harring year two. These funds would be utilized to cover expenses associated with investigative services, funding of a data officer, mentoring, off-setting administration costs of full-time Assigned Counsel Administrator and Deputy Administrator, and continuing legal education for 18B panel members.
 - Received notification the Cayuga County’s Distribution #10 was approved by Indigent Legal Services. This three year distribution of \$131,049.00 will provide funding for additional attorney hours for complex Family and Criminal Court cases.

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

- **Additional Updates**

- DA Budelmann continued on the Discovery mandate. Each agency knows their own records, pulls those records, uploads their records for the DA to review and then share the discovery documents with the defending Attorney. This unfunded mandate has increased the workload for all agencies involved.
- DA Budelmann discussed issues pertaining to pay issues involved with the Confidential Investigator position. Legislator Batman requested DA Budelmann to meet with the HR staff to confirm the history of the Investigator position’s salary schedule.
- DA presented a request to Civil Service to convert the entry level Assistant DA which has been authorized to hire to work on Discovery issues to a law clerk position. Currently the DA has a law clerk who has been delayed to taking the bar exam and has worked on the discovery delivery for the department. DA Budelmann is requesting to move the current ADA position to a law clerk position to enable the work to begin with a person familiar with the process. DA Budelmann further clarified the details regarding the hiring of the ADA.

Chair Pecher asked whether any cases have been dismissed due to the defense not receiving all of the requested documents. DA stated as of now, no dismissal; however the Governor had issued a shutdown of the courts due to COVID which has allowed the staff some additional time to process the needed documents; yet are currently behind on the required timeline to submit the documents to the defense.

Amy Russett (Fire/EMO) –

- Continuous work on the Hazard Mitigation Plan Update with all Municipalities in the County
- Working through details for the FEMA DR4480 application
- Continuous PPE supply distribution
- Conducting a BEFO/IFO fire training with NYS OFPC
- Battalion meetings have restarted

Month of July Operational Activity:

REHAB Unit – dispatched twice to assist first responders

Tech/Rope Rescue – dispatched twice – two subjects at bottom of falls, tractor trailer into side of building

Coordinators – dispatched 15 times to assist incident commander(s)

Fire Investigation – dispatched twice to investigate structure fire and vehicle fire

- Additional Update
 - Director Russett reviewed the submitted update.
 - Legislator Kerr asked for further explanation on the FEMA application. Director Russett explained the FEMA application allows for expenses during COVID: overtime, any mileage traveled and any supplies the County purchased needed for COVID.
 - Amy Russett has resigned her position and Chair Pecher thanked her service to the County.

- **Jay DeWispelaere (Probation) – No updates**

- **Additional Updates**

- Director DeWispelaere confirmed staff is currently working 50% remote and 50% in the office. One of the furloughed staff has returned and another still has not returned at this time.

- **Brian Schenck (Sheriff) –**

- Our Road Patrol Division recently completed Implicit Bias and De-Escalation Training provided by NYMIR utilizing their online training platform. Our Custody Division will begin working on completing this training as well in the near future.
- The Centralized Arraignment Part (CAP) Court continues to remain steady. 51 Pre- arraignment detainees were held and arraigned from 07/01 to 7/31, the same number as June. 273 detainees have been held and arraigned since the CAP was initiated in February.
- At the time of this report we are housing 145 total inmates in our jail with 44 of those inmates being Federal board-ins.

- Most programming and treatment services have returned to the jail. Inmate visitation remains suspended due to Covid concerns; however, we are currently working on fitting our visitation room to allow for visits that are non-contact to ensure the safety of our inmates, staff, and visitors in the near future.
 - The Sheriff continues to meet and partner with our local chapter of the NAACP, Harriet Tubman Center for Justice and Peace, and the Auburn Human Rights Division to work on issues related to race and discrimination in our community.
 - Our office continues to partner with community leaders on the Healing Communities Research and Grant project in an effort to reduce overdoses in our community. The Sheriff's Office has also partnered with NY State Senator Helming, the Community Health Network, and our local Drug Free Community Coalition to provide local events for the safe disposal of potentially dangerous prescription drug medication.
- Additional Updates
 - Sheriff Schenk stated in addition to the requested position in Resolution 8-20-JP-2, The Sheriff has approached the HR department on whether can hire two Custodial positions authorized in 2019; yet due to Bail Reform and COVID those hires were postponed. County Attorney Palermo stated the County currently does not have a policy on expiration dates on resolutions for authorizations to fill. Committee briefly discussed the procedure. The Sheriff explained staff had left those positions unfilled as staff was down 7 positions. With the recent retirement of one Custody officer and another position to become vacant, staff is looking for Committee agreement to move forward with the hiring of the positions approved through the 2019 resolutions. The committee agreed the resolutions are currently in place to hire the two positions. Legislator Kerr questioned the open ended resolutions and would like to further research the options moving forward.
 - Auburn Police Department recently presented an overview of their department to the community. The Sheriff department is planning to have a similar social justice and policy presentation to the public in September.

SHERIFF:

8-20-JP-2 Authorize the Sheriff of Cayuga County to appoint a new Confidential Secretary to the Sheriff
 Charlie Ripley motioned to approve and move resolution 8-20-JP-2, 2nd by Keith Batman. No discussion. All members present voted in favor, passed.

EXECUTIVE SESSION:

Elane Daly motioned to go in executive session at 7:15 p.m. to discuss the medical, financial, credit or employment history of a particular person, 2nd Heidi Nightengale. No discussion. All members present voted in favor passed.

Charlie Ripley motioned to come out of executive session to discuss the medical, financial, credit or employment history of a particular person, 2nd Heidi Nightengale. No discussion. All members present voted in favor passed.

ADJOURNMENT

Charlie Ripley motioned to adjourn the Judicial and Public Safety Meeting at 7:38 p.m., 2nd by Heidi Nightengale. All members present voted in favor of the motion, passed.

Next Judicial and Public Safety Meeting is scheduled for September 9, 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