



MINUTES
JUDICIAL & PUBLIC SAFETY COMMITTEE
Wednesday, September 9, 2020
Live Stream Link: <https://youtu.be/G0J4nfltWAI>

CALL TO ORDER: By Hon. Hans Pecher, Chair opened the live streamed meeting at 6:36 p.m.

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

EXCUSED: Legislator Michael Didio

OTHERS: Legislators Christopher Petrus, Paul Pinckney, Aileen McNabb-Coleman, Trish Kerr, Timothy Lattimore, County Attorney Christopher Palermo, Assistant County Attorney Brittany Massi, District Attorney Jon Budelmann, Deputy Emergency Management Director Harry Sherman, Sheriff Brian Schenck, Probation Director Jay DeWispelaere, Lindsey Wilkinson, Veterans Service Agency, Suzanne Gauthier, Administrative Assistant

MINUTES TO APPROVE: August 12, 2020

Charlie Ripley motioned to approve the minutes of August 12, 2020, 2nd by Elane Daly. All members present voted in favor, passed. September 9, 2020.

APPOINTMENTS: None

DEPARTMENT UPDATES FOR COMMITTEE:

- **Denise Spingler (911) –**

- COVID-19 Update – status quo
- Discovery Requests:
 - 78 – January
 - 84 – February
 - 105 – March
 - 90 – April
 - 102 – May
 - 115 – June
 - 134 – July
 - 124 - Aug
- *47 days behind (as of 9/1)
- *Once training starts on 9/8, backlog will grow immensely.
- *193 cases behind as of 9/1; working on 7/16
- Training
 - New trainees begin 9/8

- **Lloyd Hoskins (Assigned Counsel/Stop DWI) –**

- There were **80** “in-person” arraignments at the Centralized Arraignment Program for the month of August. The Assigned Counsel office calendared twenty attorneys to cover the 7am and 7pm arraignments. The attorney cost associated with CAP for August was \$10,175.00.
- There were **52** Counsel at First Appearance for Auburn City Court. The Assigned Counsel office calendared thirteen attorneys to cover the “on-call” arraignments. The attorney cost associated with Counsel at First Appearance for August was \$6,300.00.
- The Assigned Counsel Program made attorney assignments to **91** defendants in Auburn City Court (a single month highest assignments ever) and **37** defendants in justice courts for August. A total of **78** assignments were made in Family Court.
- Expanded scope of 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, expert services, funding of a data officer, funding for attorneys in Auburn Intervention Court, mentoring, second chair programing, off-setting administration costs of full-time Assigned Counsel Administrator and Deputy Administrator, resource defense manager, and continuing legal education for 18B panel members.

- **Dr. Adam Duckett (Coroner) – No updates**

- **Jon Budelmann (District Attorney) – No updates**

Additional Updates:

DA Budelmann presented an overview of the proposed resolution to convert the ADA position to a Law Position. DA Budelmann explained the current law clerk is waiting to take the lawyer exam; yet is currently performing many of the needed tasks, the change would save payroll dollars at this time.

RESOLUTION:

DA:

9-20-JP-1 Authorizing creating and filling a Law Associate position

Elane Daly motioned to approve and move resolution 9-20-JP-1, 2nd by Keith Batman. A brief discussion was held on the payroll of the positions. All members present voted in favor, passed.

- Compensation for the Confidential Investigator (CI)

DA Budelmann stated one investigator is making substantially less than the other investigators in the department. DA asked the committee on the procedures on how to address this issue. The committee continued discussion on how the investigators’ salaries have been structured in previous years. In 2019, the salary was structured differently. The committee discussed the issue which occurred with the elimination of the 12% pay differential for the CI position, as well discussed the pay structures of other salaries/positions compared to surrounding Counties. DA explained the difficulty of attracting and hiring qualified persons for the needed positions due to the lower starting salaries. The committee further discussed the budgetary constraints of hiring the DA and other judicial positions. DA Budelmann will draft a resolution to bring to the committee.

- **Brian Schenck (Sheriff) –**

- Four of our newest Road Patrol Deputies graduated from the Finger Lakes Police Academy on August 31st and are currently completing their 16 week field training program. We are currently down four additional Road Patrol positions.
- The Centralized Arraignment Part (CAP) Court saw a sharp increase in utilization in August. 78 Pre- arraignment detainees were held and arraigned from 08/01 to 8/31, as opposed to 51 in July. 351 detainees have been held and arraigned since the CAP was initiated in February.
- At the time of this report we are housing 152 total inmates in our jail with 48 of those inmates being Federal board-ins.
- We are in the process of partnering with Nick’s Ride for Friends to bring additional peer support into the jail for inmates struggling with addiction and provide a direct connection to peer support to those that we encounter outside our facility as well.
- Our K-9 partner Aron has developed some health issues due to age that are leading us to start looking at beginning a transition process to a new dog. The Sheriff has partnered with the Sean Walsh Foundation, a not for profit foundation providing funding for K-9 units, to purchase a new dog and move our program forward.

Additional Updates:

- Legislator Nightengale inquired about the sharp increase in cases presented at CAP arraignments; whether this perhaps may be an upward trend. DA Budelmann provided a response as many of the cases were an increase in felony arrests.
- Community presentation will be held at the college at 2 p.m. on Monday September 14th.
- Sheriff Schenck explained discussions have begun on the possible conversion of one of the jail pods to a space to be utilized for the homeless population. A 20 bed POD could be converted to house 30-40 homeless persons in a more homelike setting. Will continue talks with the Department of Social Services and other agencies as to the feasibility, benefits to the community, funding elements and administration of the new space. The space could also be used for options for those in recovery from addictions. Committee discussion continued on the other areas and concerns which can be developed in conjunction with this idea. Legislator Nightengale commended the Sheriff for his creative thinking in researching appropriate options for his building and also looking outside of the department to address other County issues as well.

RESOLUTIONS:

9-20-JP-2 Authorize the Sheriff to fill one vacant Deputy Sheriff Position in the Law Enforcement Division of the Cayuga County Sheriff’s Office (Position Control No. 001876)

9-20-JP-3 Authorize the Sheriff to fill one vacant Deputy Sheriff Position in the Law Enforcement Division of the Cayuga County Sheriff’s Office (Position Control No. 006642)

Keith Batman motioned to bundle, approve and move resolutions 9-20-JP-2, 9-20-JP-3, 2nd by Tucker Whitman. No discussion. All members present voted in favor, passed.

EMO RESOLUTION:

9-20-JP-4 Appointing Dale Currier as Interim Director of the Emergency Management Office

Chair Pecher stated the NYS would like this position be appointed as soon as possible.

Keith Batman motioned to approve and move resolution 9-20-JP-4, 2nd by Heidi Nightengale. Legislator Whitman stated he would like to see further time spent researching other available qualified persons for the EMO department. Chair McNabb–Coleman stated due to the current COVID 19 pandemic, having a fully staffed EMO department at this time is essential; yet agrees the need to develop a long term plan is advisable. Mr. Currier has come fully recommended by his previous employer and State personnel. All members present voted in favor, except Legislator Whitman opposed, motion passed.

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

Additional updates:

- One of the clerical positions is on extended medical leave. HR has advised Probation may need to submit a resolution for a leave bank in the near future.
- Director DeWispelaere updated the committee on Assembly Bill pending #10755. The bill intends to disarm all Peace Officer positions in the State of New York. This bill will effect Probation officers and other Peace Officers serving in different jurisdictions and with different titles within the County. This is not a new initiative, many similar bills have been presented to the State Legislature in the past; yet never have passed both houses. If any Legislator has any questions on how this bill could impact the Probation Department, please contact Director DeWispelaere to discuss.

Chair Pecher suggested perhaps the County draft a resolution to the State opposing this bill. Legislator Batman suggested perhaps to monitor this bill until a time perhaps when this bill is brought up to the Senate as well.

- **Harry Sherman (Fire/EMO) –**

Continuous work on the Hazard Mitigation Plan Update with all Municipalities in the County
Continuous PPE supply distribution
Conducting BEFO (Basic Exterior Firefighting Operations) training with NYS OFPC
12 students completing NYS Firefighter 1 Class on September 4th.

Month of August Operational Activity:

REHAB Unit – dispatched once to assist first responders

Tech/Rope Rescue – dispatched twice – 1 person needed assistance getting up the falls. 1 teenage male stuck on the falls required Rope Rescue Team to Rescue patient.

Coordinators – dispatched 8 times to assist incident commander(s)

Fire Investigation – No Investigations for the Month of August.

No Additional Updates

ADJOURNMENT: Wednesday, October 14, 2020 to follow Planning

Tucker Whitman motioned to adjourn the Judicial and Public Safety Meeting at 7:28 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 October 14, 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