

MINUTES

PUBLIC SAFETY COMMITTEE

Tuesday, March 1, 2022 9:00 a.m.

Present: Supervisors Eygnor, Verno, Bender, Donalty, VanLaeken, Groat and Miller, County Administrator Rick House, Fiscal Assistant Brian Sams, Wayne Pre-Trial Services Director Martha Bailey, Coroner Phil Pettine, Probation Director Mark Ameele, Public Defender Andy Correia, Assigned Council Administrator Bruce Chambers, District Attorney Mike Calarco, Victims Witness Coordinator Debbie Coons, Sheriff Robert Milby, Undersheriff Jeff Fosdick, Emergency Services Director George Bastedo and 911 Project Manager Jim Lee.

Minutes from the February 1st Committee meeting were approved as written.

Mr. Calarco stated his Office is very busy. Mrs. Coons presented a transmittal requesting authorization for the Chairman of the Board to sign a grant application between the District Attorney's Office and the State's Office of Victim Services. The County receives annual funding for their Victim and Witness Assistance Program through this source. For the second year in a row the State is not requiring a 20% local match for receipt of these funds. Approved 5-0.

The monthly report for the Coroner's Office was reviewed. During February Coroners were called out 20 times, resulting in eight autopsies. Mr. Pettine reported the Electronic Death Registration System for online reporting of causes of death is currently not operating. There were no problems with morgue storage in February. It was noted autopsies performed by the Monroe County Medical Examiner's Office can take over eight months.

Mr. House said he is looking to obtain a shared services agreement with Ontario County for coroner services. Mr. Pettine noted how far away some locations in Ontario County are.

The monthly activities report for the Public Defender's Office showed 379 open cases as of February 18th and four State Indigent Legal Service Grant reimbursement claims filed for over \$191,000. Mr. Correia reviewed the distribution of ILS grants and how they affect salaries and staff stipends.

Mr. Correia presented a transmittal requesting authorization for the Chairman of the Board to sign a renewal contract for public defense case management and support with the New York State Defenders Association, Inc. for a price of \$5,000. He will be pursuing a contract through this vendor to have information transition from web base to cloud base, this will be costly. Mr. Correia will be looking for future Hurrell-Harring grant monies to pay the expense. Approved 5-0.

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The Annual Report for the Public Defender's Office was received and filed. A copy of the report was electronically submitted to Supervisors prior to today's meeting. The Department operated on a budget of \$1.6 million with anticipated revenues of nearly \$600,000. The Office opened 1,064 cases of which 327 were handled by privately retained lawyers or assigned out of the Office due to conflicts of interest. There are seven full-time Public Defenders and four part-time Public Defenders on staff along with a Criminal Investigator, Sentence Mitigation Specialist and five clerical positions. Staff work in County Court and three village and 15 town courts, with the County's Drug Treatment Court and youth cases related to Raise the Age Legislation. Staff are also involved in parole violations, appeals, and centralized arraignment.

Mr. Correia reviewed the additional work his staff is performing related to new State Discovery Laws. Under the State's new marijuana law there is an available expungement process for criminals convicted of lower possession and distribution crimes. Although their crime could be expunged or lessened, the State does not allow the record to be destroyed, it would remain a sealed criminal record. Since staff are not as busy as usual, Mr. Correia is having them dedicate time to reviewing the Department's database to see what cases they have handled that could fall under this section of the law; he anticipates there will be hundreds. This is a time consuming process as individuals who qualify for the status change in the data base need to be physically located. Staff, as time allows, are also looking back into records from the last 20 years for domestic violence victims convicted of crimes. The State's Criminal Procedure Law allows for resentencing of domestic violence victims previously convicted of crimes and resentencing under the Criminal Procedure Law. To qualify, an individual must meet strict statutory requirements. It is estimated this change in law could affect 15-20 past Public Defender clients from each calendar year. The other program staff will be dedicating time to is an amendment in the Criminal Procedural Law in relation to the pre-determination of youthful offender status. This would allow individuals who were eligible youth, and not determined to be a youthful offender by the sentencing court, to apply for a new determination after remaining out of jail for at least five years. Mr. Correia said after individual records are found, the person would be contacted and asked if they are interested in working toward obtaining a new status determination on their criminal record.

Mr. Correia noted new State Parole Reform begins today; staff members are reviewing the legislation to see how it affects the Office. It is thought the change will result in additional work for the Courts, Public Defender, District Attorney and Sheriff's Offices.

Mr. Verno questioned if any of the amended State legislation the Public Defender's staff is looking into is mandated. Mr. Correia said reviewing old case files for this information is discretionary, he does not think it should be ignored. He believes he has a standing obligation to Public Defender clients to do this.

Mr. Chambers presented the following transmittals:

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--Authorization for the Chairman of the Board to sign a renewal contract with the New York State Defenders Association, Inc. for public defense case management system maintenance and support for the County's Assigned Counsel Program. The cost of the contract is \$1,000. Approved 5-0.

--Authorization for the Chairman of the Board to sign a contract amendment with Victor B. Chambers, Assigned Counsel Administrator, to allow for funding through the Hurrell-Harring grant to cover the expense of the part-time Secretary/Data Entry Clerk in his Office. The cost of this position is covered through grant funds. Mr. Chamber reported the position was recently vacated. Approved 5-0.

The Pre-Trial Activities Report for February was distributed with the agenda. Five new clients entered the Pre-Trial Release Program, one into the Enhanced Pre-Trial Release Program and one into the Electronic Monitoring Program. At the end of February, there were 46 open Pre-Trial cases, five Enhanced Pre-Trial Release cases and two open Electronic Monitoring cases. Pre-Trials' contract with the State stipulates services must be provided to 115 individuals during their fiscal year; Mrs. Bailey reported 98 clients have been in the program to date and the program's fiscal year does not end until June 30th.

There are now levels for re-certification of municipal Pre-Trial Release programs. Mrs. Bailey will submit the Agency's re-certification documentation and wait to hear what level the local program falls under.

The Annual Report for the Probation Department was received and filed. A copy of the document was distributed to all Supervisors prior to today's meeting. At the end of 2021 there were 590 individuals on probation, 49% from County Court, 36% from Justice Court, and 4% from Family Court. Efforts continue to provide services to local youth and remain compliant with the State's Mandated Raise the Age Legislation. At the end of 2021 staff were overseeing 223 Ignition Interlock cases; this program is for individuals convicted of DWI. The Department remains active in the County's Drug Court process; there were 25 participants in the program in the past year, five successfully completed the program. The Juvenile Intake Unit processed 110 JD appearance tickets and 13 Persons In Need of Supervision referrals. The Department handled 36 Raise the Age cases and staff completing 28 Family Court-ordered investigations. The Probation Department received 393 Court orders for pre-release, pre-sentence and pre-dispositional investigations. The Department had 22 referrals to their Community Service Program; participation was low due to COVID-19 restrictions. There were 77 participants on the Electronic Monitoring Program, not including the 18 units overseen by Wayne Pre-Trial. During the year the Department collected over \$156,000 in restitution, fines, and miscellaneous fees.

The monthly activities report for the Probation Office was reviewed. During February 17 non-secure bed days were served and 34 youth placed on electronic home monitoring in lieu of being

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placed in a detention facility. The Department has 15 active Persons In Need of Supervision cases and 77 Juvenile Delinquent cases. Staff are monitoring 529 Probationers; this number does not include those individuals assigned to Community Services, Ignition Interlock and other programs through the Probation Department. During February the Department collected \$12,942 in fines, restitution, and misc. fees.

The County's new phone system is now in operation at the Probation Department. Mr. Ameele said it has resulted in some Office efficiencies. He continues to work toward having all vacancies on staff filled.

The Annual Report for the Department of Emergency Management Services was received and filed. A copy of the report was provided to all Supervisors prior to today's meeting. The report was broken down into the following divisions:

- 911: In 2021 the Center handled fewer events than in the previous year with a total of 112,099 calls. Law enforcement services decreased by nearly 13%, while emergency medical services increased 9% and fire services up 16%. The first edition of the new division training manual/program was published. Staff continue to work toward accreditation of the Division, to continue work to enhance their assurance efforts and time standards. There remain staffing concerns.
- Advanced Life Support: 2021 was a challenging year to maintain an adequate number of qualified paramedics. An additional fly-car was added to the fleet in Newark; this was the busiest fly-car in 2021. There are 37 employees in this Division, in the past year staff worked over 26,000 hours. County ALS responded to 6,104 calls, the majority in the Towns of Lyons, Ontario, Sodus and Village of Newark. During the past year Medic 81 responded 302 times, Medic 82 responded 1,155 times, Medic 83 responded 1,070 times, Medic 84 responded 538 times, Medic 85 responded 1,720 times, Medic 86 responded 362 times, Medic 87 responded 616 times, Medic 92 responded 171 times and Medic 93 responded 170 times. ALS billed for 1,614 incidents in the amount of \$390,897; 71% of this amount was collected. ALS responded to the scene within 14 minutes 83% of the time, response time remains the same as the previous two years.
- Emergency Management: There are four full-time and two part-time staff members in the Division, having a County cost of \$252,705. The Division spent a great deal of time in 2021 assisting the County with distribution or personal protective equipment and supplies. The County's National Weather Service StormReady certification was renewed. The Division spearheaded a Countywide Continuity of Operations Plan and participated in the local evaluation of the Ginna Nuclear Power Plant.
- EMS: The EMS Coordinator continues to assist local agencies and EMS providers in meeting certification requirements and distributes both State and Federal regulatory information, along with COVID information. Training was continued virtually in 2021 due to COVID restrictions.

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- Fire Coordinator: The Office consist of a full-time Fire Coordinator and Secretary and four part-time Deputy Fire Coordinators. Due to the retirement, at the end of 2021 of the Fire Coordinator, staffing changes were noted in the report. The mobile cascade unit was called out 37 times during the year, traveling 1,711 miles, filling 346 tanks. The stationary compressor was utilized 58 times during 2021; this is double the amount it was utilized the previous year. The County's Fire Training Building was used 87 times, even with COVID restrictions in place. The Fire Training Facility was utilized 68 days, up substantially from the previous year. A list of trainings that were completed by municipal fire departments were included in the report, with 600 students completing these trainings. The County's Fire Investigation Team responded to 38 incidents.

The monthly activities report for the Emergency Services Department was distributed with the agenda. The Department will hosts a records management system regional demonstration on March 23rd. COVID-19 test kits and masks continue to be distributed. Lake Ontario was at 245.51' as of February 18th, this is 13 inches higher than the same time last year. Mr. Bastedo said there are concerns with this level and a planning meeting may be scheduled in the very near future to address flooding issues. Efforts are underway to fill vacancies in the Department.

The following transmittals were presented for the Emergency Services Department:

--Authorization to appoint Jeffrey Rios of Lyons to the Wayne County Fire Advisory Board. Approved 5-0.

--Authorization to appoint Brian Walker from the Town of Arcadia to the Wayne County EMS Advisory Board. Approved 5-0.

Mr. Lee stated, at the direction of this Committee last month, he sent a short survey to all EMS agencies in the County asking for their input on the establishment of a Countywide EMS transport system, with a brief questionnaire and a copy of the proposal. Agencies were requested to return their questionnaires no later than this Friday. Mr. Lee said the transportation proposal has been out for five months and action is needed. Many EMS agencies are not adequately staffed. The County's proposal is very similar to the plan already in place in Livingston County. That county had difficulty in getting all municipal EMS agencies in favor of the change; their program is now very successful. Mr. Lee said those EMS agencies that can still respond to transport calls will continue to do so; the County transport system will only be called in for those agencies that cannot perform the service.

Mr. House said he would work with Mr. Lee to draft a transmittal for next month's meeting to approved the expense of \$1.1 million in ARPA funds dedicated to this project.

The following reports were submitted for the Sheriff's Office:

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- Corrections Division: During January there were 36 males and 8 females committed to the County Jail, along with one boarded in inmate. There were 12 private attorney visits to the Jail, eight visits from the Public Defender's Office, four from Probation Officers, one from a Parole Officer and eight from Pre-Trial Release. During the month 12 disciplinary hearings were held. The Facility collected \$57,600 in bail and \$43.75 in fines from 11 inmates. Sheriff Milby noted staff hours dedicated to Constant Watch were up during the month, as were inmate hospitalizations.
- Activities: Road Patrol made nine DWI, 84 criminal and 43 vehicle/traffic arrests. There were 94 motor vehicle collisions during January with six persons injured and one killed. The Records Division processed 47 pistol permits and 70 amendments. The Civil Division processed 63 papers, served 92 Family Court Papers and performed seven evictions.
- Town/Village Summary: There were 358 sex offenders living in Wayne County at the end of January. Deputies were assigned jobs from the 2,319 complaints received. There were a total of 181 tickets issued during January, the majority in the Towns of Walworth, Palmyra and Ontario.
- Overtime: Staff worked 2,939 hours of overtime in January, the majority for staff shortages. Sheriff Milby noted Road Patrol is down 18 full-time positions and the Jail down four full-time and two part-time positions. There are currently 17 individuals going through police academy.
- Court Security: A total of 1,256 individuals entered the Hall of Justice in January; this number does not include staff and remains low due to COVID-19 restrictions.

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

--Authorization to abolish the title of Chief Deputy and create, fill and set the salary for the position of Major. The Chief Deputy position has been vacant since the beginning of the year. The proposed salary for the new position is \$95,034. Sheriff Milby stated the position is needed to oversee County Jail activities. Approved 5-0.

--Authorization to move a full-time Criminal Records Clerk position at the Jail into the Records Division. There is no additional cost for the change in personnel locations. Sheriff Milby noted the increased work coming into the Criminal Records Division and the need for the staff relocation. Approved 5-0.

--Authorization to relocate the part-time Criminal Records Clerk in the Jail to the Sheriff's Records Division. Approved 5-0.

--Authorization to create the position of temporary Part-Time Senior Account Clerk in the Civil Division to assist with new staff training for a cost not to exceed \$10,000 during 2022. Approved 5-0.

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--Authorization to amend the County budget and carry over remaining 2021 Stonegarden Grant funding in the amount of \$11,033.65 to the 2022 budget. Approved 5-0.

An out of state travel request was presented for Detective Brian Pitt to attend a Digital Evidence Investigations Training in Alabama from February 28th - March 4th. This is required educational training for the Officer offered through Federal Secret Service. Approved.

Mr. Correia informed Supervisors the first meeting of the Oversight Formation Committee to establish membership for a County Independent Advisory Committee and Minority Community Advisory Committee was held last week. Supervisors Johnson and Brady were present as were Mental Health Director Jim Haitz and Mr. Correia. YAP Deputy Director, James Schuler, has been working on membership for the Minority Community Advisory Committee. Mr. Correia will arrange a meeting between the Oversight Formation Committee and Mr. Schuler to discuss the names he has. The next meeting of the Oversight Formation Committee is scheduled for April 7th.

The meeting adjourned at 10:18 a.m. The next meeting of the Public Safety Committee is scheduled for Tuesday, April 5th at 9:00 a.m.