

# **PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE**

**February 13, 2014 – 9:15 a.m.**

**Committee Members: Cora Edwards, Chair; Jonathan Rouis, Vice-Chair;  
Cindy Kurpil Geiger, Kathy LaBuda, Alan Sorensen**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **COMMITTEE CHAIR COMMENTS:**

## **RESOLUTIONS:**

- 1. To authorize the County Manager to accept a State Assistance Grant Award from the New York State Division of Criminal Justice Services.**

## **REPORTS**

- **Update: Public Safety/Emergency Management**

	<b>Richard Martinkovic, Commissioner</b>
○ Alex Rau	<b>E-911</b>
○ Greg Tavormina	<b>EMS</b>
- **Update: Law Enforcement**

○ District Attorney's Office	<b>Jim Farrell, District Attorney</b>
○ Probation Department	<b>Jeffrey Mulinelli, Director</b>
○ Sullivan County Sheriff's Office	<b>Michael A. Schiff, Sheriff</b>

## **PRESENTATIONS / DISCUSSION:**

- 1. 2014 NYSAC Legislative Conference Standing Committee on Public Safety Resolutions:**
  - **Calling on Governor Andrew M. Cuomo and the State Legislature to more equitably and efficiently impose the 9-1-1 Surcharge on all Wireless Communications Devices and use revenues of this fund to finance County 9-1-1.**
  - **Calling on Governor Andrew M. Cuomo and the State Legislature to enact legislation to help County Jails manage increasing costs of Mental Health Services for Incarcerated Individuals.**
  - **Urging the Governor and the State Legislature to take action to relieve counties from the expenses associated with Housing State Parole Violators in County Jails.**

## **PUBLIC COMMENT**

**COMBINED: LEGISLATIVE MEMORANDUM,  
CERTIFICATE OF AVAILABILITY OF FUNDS  
AND RESOLUTION COVER MEMO**

**To:** Sullivan County Legislature

**Fr:** Sheriff Michael A. Schiff

**Re:** Request for Consideration of a Resolution: To accept grant from Div. of Criminal Justice Services secured by Sen. Bonacic.

**Date:** 1/27/13

**Purpose of Resolution:** [Provide a detailed statement of what the Resolution will accomplish, as well as a justification for approval by the Sullivan County Legislature.]  
Accept \$25,000 in state assistance for law enforcement operations in Sheriff's Office.

**Is subject of Resolution mandated? Explain:**

No

**Does Resolution require expenditure of funds? Yes \_\_\_ No**

**If "Yes, provide the following information:**

Amount to be authorized by Resolution: \$ \_\_\_\_\_

Are funds already budgeted? Yes \_\_\_ No \_\_\_

If "Yes" specify appropriation code(s): \_\_\_\_\_

If "No", specify proposed source of funds: \_\_\_\_\_

**Estimated Cost Breakdown by Source:**

County	\$ _____	Grant(s)	\$ _____
State	\$ _____	Other	\$ _____
Federal Government	\$ _____	(Specify)	_____

**Verified by Budget Office:** \_\_\_\_\_

**Does Resolution request Authority to Enter into a Contract? Yes \_\_\_ No**

**If "Yes", provide information requested on Pages 2. If "NO", please go straight to Page 3 and acquire all pre-legislative approvals.**

Request for Authority to Enter into Contract with [ \_\_\_\_\_ ] of  
[ \_\_\_\_\_ ]

Nature of Other Party to Contract: .

Other:

Duration of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Is this a renewal of a prior Contract? Yes \_\_\_ No \_\_\_

If "Yes" provide the following information:

Dates of prior contract(s): From \_\_\_\_\_ To \_\_\_\_\_

Amount authorized by prior contract(s): \_\_\_\_\_

Resolutions authorizing prior contracts (Resolution #s): \_\_\_\_\_

Future Renewal Options if any:

\_\_\_\_\_

Is Subject of Contract – i.e. – the goods and/or services Mandated? Yes \_\_\_ No \_\_\_

If "Yes" cite the mandate's source; describe how this contract satisfies the requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "No" provide other justification for County to enter into this Contract: [County does not have resources in-house, best source of the subject materials, required by grant, etc.]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Contract Cost for [year or contract period]: (If specific sum is not known state maximum potential cost): \_\_\_\_\_

Efforts made to find Less Costly alternative:

\_\_\_\_\_  
\_\_\_\_\_

Efforts made to share costs with another agency or governmental entity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify Compliance with Procurement Procedures (Bid, Request for Proposal, Quote, etc.)

\_\_\_\_\_ N/A \_\_\_\_\_

Person(s) responsible for monitoring contract (Title): \_\_\_\_\_

**Pre-Legislative Approvals:**

- A. Director of Purchasing: Angela Lewis Date 2-10-14
- B. Management and Budget: Janet Murphy Date 2/10/14
- C. Law Department: S. Yauger Date 2/11/14
- D. County Manager: John Reed Date 2/11/14
- E. Other as Required: \_\_\_\_\_ Date \_\_\_\_\_

Vetted in \_\_\_\_\_ Committee on \_\_\_\_\_

**RESOLUTION INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO  
AUTHORIZE THE COUNTY MANAGER TO ACCEPT A STATE ASSISTANCE  
GRANT AWARD FROM THE NEW YORK STATE DIVISION OF CRIMINAL  
JUSTICE SERVICES**

**WHEREAS**, the State of New York, secured by Hon. John J. Bonacic, has awarded the Sullivan County Sheriff's Office \$25,000 in State Assistance through the Division of Criminal Justice Services, and

**WHEREAS**, the funding will be used to assist with law enforcement operations in the Sheriff's Office, and

**NOW, THEREFORE, BE IT RESOLVED**, that the County Manager is hereby authorized to execute any and all necessary documents to accept the award, in such form as the County Attorney shall approve, and

**BE IT FURTHER RESOLVED**, that should the funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

**Moved by  
seconded by  
and adopted on motion**

1 **2014 NYSAC Legislative Conference**  
2 **Standing Committee on Public Safety**  
3 **Resolution #1**

4  
5 **RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE**  
6 **STATE LEGISLATURE TO MORE EQUITABLY AND EFFICIENTLY IMPOSE**  
7 **THE 9-1-1 SURCHARGE ON ALL WIRELESS COMMUNICATIONS DEVICES**  
8 **AND USE REVENUES OF THIS FUND TO FINANCE COUNTY 9-1-1**

9  
10 **WHEREAS**, the State of New York imposes a \$1.20 public safety surcharge on  
11 wireless contract telephones, which, when it was enabled in statute, was intended to  
12 fund 9-1-1 operations and help dispatchers, first responders and law enforcement  
13 officers to communicate and respond to emergencies; and

14  
15 **WHEREAS**, this surcharge is not imposed uniformly on wireless phones and  
16 related devices with more than one in three devices not contributing to the support of  
17 essential 9-1-1 services; and

18  
19 **WHEREAS**, the pre-paid cellular phone market is currently not contributing  
20 resources to support 9-1-1 services; and

21  
22 **WHEREAS**, 29 states have expanded their 9-1-1 surcharge to pre-paid phones,  
23 in response to the changing dynamics of the mobile phone marketplace; and

24  
25 **WHEREAS**, New York's revenues from the \$1.20 surcharge totals nearly \$200  
26 million annually but is declining, and the majority of which is used by the state for  
27 purposes other than 9-1-1; and

28  
29 **WHEREAS**, beginning in the 2010/11 state budget, the State of New York began  
30 allocating a portion of the surcharge revenues to counties in the form of Statewide  
31 Interoperable Communications Grants (SICG); and

32  
33 **WHEREAS**, the SICG program has grown steadily and, as of the 2013/14 state  
34 budget, amounted to \$75 million; and

35  
36 **WHEREAS**, counties rely on the SICG funds as the sole source of state financing  
37 for their 9-1-1 systems, however this program does not provide enough funding to  
38 address the needs of all counties.

39  
40 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State  
41 Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, the State  
42 Legislature and the Division of Homeland Security and Emergency Services to institute  
43 a more uniform and fair state public safety surcharge on all wireless phones, including  
44 pre-paid wireless phones, in order to equitably distribute this surcharge to all devices  
45 capable of connecting to 9-1-1; and

1           **BE IT FURTHER RESOLVED**, that any state expansion of the state surcharge  
2 to prepaid plans should commensurately authorize local surcharges for the same  
3 purpose; and  
4

5           **BE IT FURTHER RESOLVED**, the state should provide blanket authority for  
6 the local \$.30 surcharge for the 10 counties that do not currently impose this surcharge;  
7 and  
8

9           **BE IT FURTHER RESOLVED**, that NYSAC calls on the state to increase the  
10 funding made available to counties through the 9-1-1 surcharge, and expand the  
11 allowable uses of the funds to address all areas of need across counties, including the  
12 use of the funds for non-recurring operating expenses, debt service costs and other  
13 reasonable costs, and  
14

15           **BE IT FURTHER RESOLVED**, that the state should establish a regular and  
16 reliable process by which funding is allocated so that counties can better plan projects,  
17 and  
18

19           **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the  
20 sixty-two counties of New York State encouraging member counties to enact similar  
21 resolutions; and  
22

23           **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this  
24 resolution to Governor Andrew M. Cuomo, the New York State Legislature, the  
25 Commissioner of the Division of Homeland Security and Emergency Services and all  
26 others deemed necessary and proper.

1 **2014 NYSAC Legislative Conference**  
2 **Standing Committee on Public Safety**  
3 **Resolution #2**

4  
5 **RESOLUTION CALLING ON THE GOVERNOR AND THE STATE**  
6 **LEGISLATURE TO ENACT LEGISLATION TO HELP COUNTY JAILS**  
7 **MANAGE THE INCREASING COSTS OF MENTAL HEALTH SERVICES FOR**  
8 **INCARCERATED INDIVIDUALS**

9  
10 **WHEREAS**, counties incur substantial costs to construct and maintain jail  
11 facilities in accordance with standards set by the New York State Commission of  
12 Correction; and

13  
14 **WHEREAS**, as part of the responsibility to maintain and manage jails, counties  
15 are mandated to pay for medical expenses of all individuals incarcerated in their jail;  
16 and

17  
18 **WHEREAS**, individuals arrested for a crime who are found incompetent to  
19 understand the charges against them must be restored to competency before they can  
20 stand trial, receiving treatment in either in a facility run by the New York State Office of  
21 Mental Health (OMH) or Office of People With Developmental Disabilities (OPWDD);  
22 and

23  
24 **WHEREAS**, placement in a state facility during this “competency restoration”  
25 period requires counties to cover 50 percent of the treatment costs, which in some  
26 instances can carry on indefinitely depending on the diagnosis of the individual and  
27 cause significant fiscal strain for the county; and

28  
29 **WHEREAS** the Governor’s plan to close many state mental health facilities,  
30 included in the Regional Centers of Excellence Plan, may have the adverse effect of  
31 increasing pressures on local mental health support systems, resulting in more  
32 placements for longer periods of time to state OMH facilities, thereby increasing costs to  
33 county tax payers.

34  
35 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
36 Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the New York State  
37 Legislature to provide counties with financial support for inmate mental health costs by  
38 placing a cap on county liabilities in these circumstances and limiting county fiscal  
39 support to no more than the first 30 days; and

40  
41 **BE IT FURTHER RESOLVED**, in order to offset the state and local costs of  
42 providing health care coverage of inpatient hospital services provided outside of local  
43 jails and state prisons, a concerted effort of the state and local governments must be  
44 made to improve the number of Medicaid eligible inmates who are enrolled in the  
45 program; and  
46

1           **BE IT FURTHER RESOLVED**, NYSAC urges Governor Andrew M. Cuomo  
2 and the New York State Commission of Correction, with support from the New York  
3 State Legislature, to continue to work with counties to identify ways to more efficiently  
4 and cost-effectively provide inmates in county jails with access to affordable medical  
5 care and mental health treatment; and  
6

7           **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the sixty-  
8 two counties of New York State encouraging member counties to enact similar  
9 resolutions; and  
10

11           **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution  
12 to Governor Andrew M. Cuomo, the Chairman of the New York State Commission of  
13 Correction, the New York State Legislature and all others deemed necessary and proper.

1 **2014 NYSAC Legislative Conference**  
2 **Standing Committee on Public Safety**  
3 **Resolution #3**

4  
5 **RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE**  
6 **TO TAKE ACTION TO RELIEVE COUNTIES FROM THE EXPENSES**  
7 **ASSOCIATED WITH HOUSING STATE PAROLE VIOLATORS IN COUNTY**  
8 **JAILS**

9  
10 **WHEREAS**, every county jail in New York State is required to house state parole  
11 violators, including those held on technical charges, and parole violators who have  
12 become “state ready” and are awaiting transfer to a state correctional facility; and

13  
14 **WHEREAS**, the average length of stay for parole violators in a county facility is  
15 approximately 60 days and can be as much as 120 days before a final revocation  
16 hearing; and

17  
18 **WHEREAS**, inmates held on parole violations are a state responsibility, and for  
19 years the state reimbursed counties for a portion of the costs associated with the  
20 housing of these inmates while their parole revocation hearings are held and completed;  
21 and

22  
23 **WHEREAS**, the 2009–2010 Executive Budget eliminated this reimbursement,  
24 forcing counties to cover all the costs associated with housing parole violators.

25  
26 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
27 Counties (NYSAC) urges the State to provide each county with appropriate fiscal relief  
28 for housing these state inmates in their county jails; and

29  
30 **BE IT FURTHER RESOLVED**, the Division of Parole and the Department of  
31 Corrections and Community Supervision should collaborate with counties to reduce the  
32 number of days parole violators are held in county jails; and

33  
34 **BE IT FURTHER RESOLVED**, NYSAC urges the State of New York to enact  
35 legislation to allow parolees awaiting a parole violation hearing to be incarcerated in a  
36 state correctional facility in or near the county where the alleged parole violation  
37 occurred, rather than in a county facility; and

38  
39 **BE IT FURTHER RESOLVED**, until such time as a parolee awaiting a parole  
40 violation hearing is held at a state correctional facility, that the counties of New York  
41 State should be entitled to reasonable compensation for housing such alleged parole  
42 violators, at a sum equal to the actual cost of confinement, including actual medical  
43 expenses incurred by the County; and

44  
45 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the sixty-  
46 two counties of New York State encouraging member counties to enact similar  
47 resolutions; and

1           **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution  
2 to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed  
3 necessary and proper.