

PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE

March 13, 2014 – 8:45 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. 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.**
- 2. 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.**
- 3. 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.**

REPORTS

- Update: Public Safety/Emergency Management** **Richard Martinkovic, Commissioner**
 - Alex Rau** **E-911**
 - Greg Tavormina** **EMS**
- Update: Law Enforcement**
 - District Attorney's Office** **Jim Farrell, District Attorney**
 - Probation Department** **Jeffrey Mulinelli, Director**
 - Sullivan County Sheriff's Office** **Michael A. Schiff, Sheriff**

PRESENTATIONS / DISCUSSION:

- 1. Prescription Drug Problem in Sullivan County - Dr. Carlos Holden**

PUBLIC COMMENT

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

To: Sullivan County Legislature

Fr: Cora Edwards, District 6 Legislator

Re: Request for Consideration of a Resolution: Calling on Gov. Cuomo and State Leg

Date: 3/7/2014

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.]

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.

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: \$ _____

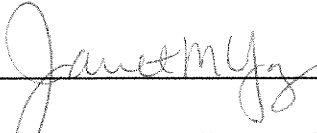
Are funds already budgeted? Yes ___ No ___

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 and 3.

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:

N/A _____

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

N/A _____

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

N/A Not Applicable (Kf)

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. Director of Purchasing: *Dorothy Jones* Date 3/12/14
- B. Management and Budget: *Janet Miller* Date 3/11/14
- C. Law Department: *S. Yassgur* Date 3/12/14
- D. County Manager: *J. Yag* Date 3/12/14
- E. Other as Required: _____ Date _____

Vetted in Public Safety & Law Enforce Committee Committee on 03/13/2014

RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE 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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature calls upon Governor Andrew M. Cuomo, the State Legislature and the Division of Homeland Security and Emergency Services to institute a more uniform and fair state public safety surcharge on all wireless phones, including pre-paid wireless phones, in order to equitably distribute this surcharge to all devices capable of connecting to 9-1-1; and

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

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

BE IT FURTHER RESOLVED, that the Sullivan County Legislature calls on the State to increase the funding made available to counties through the 9-1-1 surcharge, and expand the allowable uses of the funds to address all areas of need across counties, including the use of the funds for non-recurring operating expenses, debt service costs and other reasonable costs, and

BE IT FURTHER RESOLVED, that the State should establish a regular and reliable process by which funding is allocated so that counties can better plan projects, and

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

BE IT FURTHER RESOLVED, that the Clerk to the Sullivan County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Assemblywoman Aileen Gunther, Senator John J. Bonacic, the Commissioner of the Division of

Homeland Security and Emergency Services and all others deemed necessary and proper.

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

To: Sullivan County Legislature

Fr: Cora Edwards, District 6 Legislator

Re: Request for Consideration of a Resolution: Calling on Gov. Cuomo and State Leg

Date: 3/7/2014

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.]

Calling on Governor Andrew M. Cuomo and the State Legislature to enact
legislation to help County Jails manage the increasing costs of Mental Health
Services for Incarcerated Individuals.

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): _____

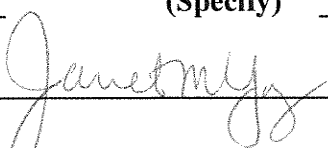
If "No", specify proposed source of funds: _____

Estimated Cost Breakdown by Source:

County \$ _____ **Grant(s)** \$ _____

State \$ _____ **Other** \$ _____

Federal Government \$ _____ **(Specify)** _____

Verified by Budget Office: 

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N/A _____

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

N/A _____

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

N/A Not Applicable Af

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. Director of Purchasing: Joshy Jones Date 3/14/14
- B. Management and Budget: Janet Myer Date 3/11/14
- C. Law Department: S. Gasper Date 3/12/14
- D. County Manager: Janet Myer Date 3/12/14
- E. Other as Required: _____ Date _____

Vetted in Public Safety & Law Enforce Committee Committee on 03/13/2014

RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE TO ENACT LEGISLATION TO HELP COUNTY JAILS MANAGE THE INCREASING COSTS OF MENTAL HEALTH SERVICES FOR INCARCERATED INDIVIDUALS

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature calls upon Governor Andrew M. Cuomo and the New York State Legislature to provide counties with financial support for inmate mental health costs by placing a cap on county liabilities in these circumstances and limiting county fiscal support to no more than the first 30 days; and

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

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

BE IT FURTHER RESOLVED, copies of this resolution be sent to the Clerks of the Boards of the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the Clerk of the Sullivan County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, the Chairman of the New York State Commission of Correction, Assemblywoman Aileen Gunther, Senator John J. Bonacic and all others deemed necessary and proper.

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

To: Sullivan County Legislature

Fr: Cora Edwards, District 6 Legislator

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Date: 3/7/2014

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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.

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N/A

Person(s) responsible for monitoring contract (Title): _____

Pre-Legislative Approvals:

- A. Director of Purchasing: Nathaly Jones Date 3/12/14
- B. Management and Budget: Janet Myz Date 3/11/14
- C. Law Department: S. Yalgar Date 3/12/14
- D. County Manager: Janet Myz Date 3/12/14
- E. Other as Required: _____ Date _____

Vetted in Public Safety & Law Enforce Committee Committee on 03/13/2014

RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE 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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Sullivan County Legislature urges the State to provide each county with appropriate fiscal relief for housing these state inmates in their county jails; and

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

BE IT FURTHER RESOLVED, the Sullivan County Legislature urges the State of New York to enact legislation to allow parolees awaiting a parole violation hearing to be incarcerated in a state correctional facility in or near the county where the alleged parole violation occurred, rather than in a county facility; and

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

BE IT FURTHER RESOLVED, copies of this resolution be sent to the Clerks of the Boards of the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the Clerk of the Sullivan County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Assemblywoman Aileen Gunther, Senator John J. Bonacic and all others deemed necessary and proper.